

Report to the
SUFFOLK COUNTY LEGISLATURE

Office of the
COUNTY EXECUTIVE

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IMPACT OF PROPOSED PECONIC COUNTY



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PREFACE

The proposal to create a new county composed of the five eastern towns of Suffolk County is obviously a great concern for all the people. I have stated on several occasions that I firmly believe in the right of our citizens to have a voice over their government's structure. This means to me that if the majority of the citizens support a referendum and vote to create a new county, it will be a decision that I will support. However, such a decision should not be taken lightly. In view of the venerable history of this County--one of the original twelve counties of the State of New York at the founding of the Nation, and besides the Borough of Richmond, the only one of the original twelve that has not lost its county identity or its geographic boundaries--the citizens should have all the facts before them so that they may exercise their vote in the most aware fashion.

I do not intend to argue the merits pro or con, but I do intend to bring as much information before the people of Suffolk County as possible to lead to an open discussion and understanding of the issues.

In this regard I have directed my Budget Office, Planning Department, and County Attorney staff to work jointly for the preparation of this document in cooperation with the Budget Review Office of the Suffolk County Legislature in order to marshal the most complete array of County talent to address these serious questions. The Legislative Budget Review Office has examined the fiscal impact on a remaining Suffolk County in the eventuality of a split. That report will be released by the Legislature in conjunction with my office's contribution. This report relates specifically to the eastern towns to be included within the proposed county. It includes a demographic and economic profile, a proposed budget, and a discussion of the more pertinent legal issues related to the Peconic County legislation.

The inescapable fiscal conclusion is that separation would mean a County tax increase for the new county. This in itself does not have to be viewed as a negative situation. If the people feel strong enough for separation, then certainly that commitment should include the willingness to pay for it. I would stress that if there is any bias at all in this study, it was my directive to the staff to be as conservative as possible, and not to overstate the costs of separation. The proposed almost 40% increase in the county budget is, in my opinion, most conservative, and I would caution the reader that the estimated revenues may indeed be on the high side. An earlier study conducted by the Planning Department staff indicated a considerably higher county expense for the proposed new county. Be that as it may, I commend this study to the attention of our many sincere citizens who are actively interested and concerned about the new county proposal.

Peter F. Cohalan

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INTRODUCTION: FISCAL IMPACT

There has been renewed interest in the creation of Peconic County. This interest has been manifested in the publication of two reports: the Miller Budget which was submitted to the Five Towns Peconic County Committee on October 1, 1979; a subsequent report dated November 28, 1979 by Assemblyman Behan. In addition, a bill (S.8887/A.10984) to amend the County Law to facilitate the creation of Peconic County has been introduced in the State Legislature by Assemblyman Behan.

The basic impetus behind the Peconic County movement is that the present County government is too expensive, provides too many services which may be duplicative or unnecessary to the inhabitants of the East End, over-compensates its employees, and does not represent the East End. Proponents of Peconic County point out that under ten percent of the population resides in the East End and yet 19.4% of the wealth is located in the East End. On that basis, it is argued that the East End pays a disproportionate share of the present Suffolk County government.

This report has three objectives. The first objective is to present a proposed operating budget for Peconic County for fiscal year 1980. The second is to explain the assumptions which guided us in the preparation of this budget. The third objective is to compare other budgets, per capita costs of services and staffing levels of similar sized counties. Although the focus of this report is to examine a proposed budget for a nonexistent entity, a brief discussion of the fundamental issues is necessary.

Sales Tax Estimate

The sales tax estimate for Peconic County has become the fulcrum upon which the economic debate for and against Peconic County has been waged. The Miller Budget totals \$45,045,718. Of this amount, \$12,972,574 will be raised by general property tax levy revenue. It further anticipates a sales tax revenue of \$10,640,000 which is basically 7.2% of the amount recommended for Suffolk County in 1980, or a rate equal in proportion to the population of Peconic to Suffolk County. The Behan report estimates sales tax revenue to be in the range of \$15 to \$18 million, based upon calculations estimated by the State Sales Tax Office. The methodology in arriving at this amount, which is basically \$5 or \$6 million multiplied by each penny of local sales tax, was to examine counties supposedly having similar seasonal fluctuations in population such as Saratoga

and others to arrive at their estimate. Miller, on the other hand, looked at counties such as Sullivan, which also has seasonal variations in population and a large influx of tourists. It should be emphasized that based on our experience no reliable method exists at the present time to accurately project and estimate state sales tax revenue. Privately, State sales tax officials would agree with this assessment.

First Year Cash Needs

Since Peconic County would be a new political entity, special arrangement would have to be made to provide sufficient revenue by short term financing to fund operations. This will impact upon the debt service budget for Peconic in the first and second years.

Sales Tax Pledge for Southwest Sewer District As of May 31, 1979, Special Projects estimates that over a 20 year period approximately \$194,804,000 will be required to cover the shortfalls in the Southwest Sewer District. Commencing the third quarter of 1982, it is estimated that \$3.2 million in sales tax revenue will be required while the fourth quarter of 1983 will require \$16.4 million in sales tax revenue. Since the sales tax pledge was obligated by the County prior to the creation of Peconic County, the East End would have to pay an amount equal to their proportion of full value to the ten town total full value. A schedule of those payments based upon full value for Peconic County would reflect 19.4% of the total full value for both the East End and West End. The effect of this contribution would impact future years' budgets for both Suffolk and Peconic. Therefore, a multiyear budget for Peconic County is necessary to measure the true fiscal impact of this pledge.

Long and Short Term Debt

Any budget proposal for Peconic County must similarly consider the equitable distribution of long term debt obligations for capital projects completed or in construction at the time of separation of the two political entities. How would these obligations be divided? What is their cost? What method was used to determine the debt service estimated for each entity? Was distribution made according to population, assessed value or full value?

Provisions for future debt must also be made in any proposal for Peconic. How was this cost estimated?

Provision for Capital Projects

The Miller Budget does not provide for a General Fund transfer to the Capital Fund. It is recommended that any proposed budget for Peconic County should include some funding directly from the Operating Budget to cover the cost of capital construction. This money has the double-barreled effect of providing seed money for capital construction and some relief to future debt service cost for projects undertaken in the future. Further, Section 107 of the County Law stipulates that funds amounting to a 5% share of the cost of many types of capital projects must be current funds.

Division of Assets of Suffolk County According to Section 50 of the County Law, the proper and more time consuming method to provide the answer to Suffolk County would be to prepare a list of the assets of Suffolk County, the value of each, the location and the total value of all assets.

The next step would be to distribute the total value of these assets, probably by full value between the two entities and compare the amounts for Peconic and Suffolk with the actual locations of the assets.

Staffing & Level of Services Any budget for Peconic County must propose an adequate number of staff to provide a level of services acceptable to the community to be served. The problem is how to determine what is adequate and what level of services is perceived to be acceptable? A fundamental question to be addressed is what should the role of a county be in relation to other units of local government?

A logical method would be to analyze Suffolk County services to the East End, use similar manpower levels for the proposals and compute costs. A second method would be to compare counties of similar size in population and infer staffing and level of services for Peconic.

Rights & Salaries of Employees One question to consider concerns the rights of employees of Suffolk County who would no longer be needed if Peconic County was created. Would the State Legislature or courts insist that Peconic residents who are employed by Suffolk County have the right of transfer to Peconic with no loss of wages? How would this impact a budget proposal for Peconic?

Theoretically, Suffolk could abolish a number of employees and let the "Bump and Retreat" provision of the Civil Service Law take effect. Would the courts consider this to be equitable?

Showing True Cost Any proposal for Peconic should show the true and complete costs associated with the new entity. Two factors must be included. First, the cost of any County services now proposed to be assumed by other units of government must be shown. The impact to the taxpayer must be calculated even if the service is no longer a County operation since it represents a true cost of the new arrangement and a new cost to other units of local government.

Secondly, showing true cost would include a multiyear budget proposal. What effect would projected cost of living increases in the second and third years' budgets have on the Peconic taxpayer?

PECONIC COUNTY BUDGET

The purpose of this study was to develop a budget for Peconic County so that a comparison could be made between what the property tax rate would have been in 1980, had there been a Peconic County, and what was the actual property tax rate for Suffolk County.

There are obvious problems and judgements which must be made in constructing a budget for a jurisdiction which currently does not exist and hence has no history. Some of these problems are as follows:

- . What would be the administrative structure of departmental composition of a Peconic County?
- . What would be the staffing levels to provide mandated and desirable services?
- . What would be the position titles, by administrative unit, required to provide such services?
- . What would be the salary levels established to compensate employees for providing such services?
- . What would be the debt service and capital transfer costs?
- . What would be the caseload of mandated services which would determine transfer payments to individuals?
- . What would be the revenue structure and levels which would offset expenditures?

Administrative Structure

Since the purpose of the study was for comparisons, the study focused on the 1980 general purpose fund budget adopted by the County Legislature. An analysis was made of each appropriation to determine whether the function would be applicable to a Peconic County; if so, what would be the staffing level and associated costs of the function. Since the State requires appropriations to be listed in sequential order, a comparison was able to be made of smaller counties upstate to determine if similar functions are provided.

The determination of service levels is somewhat subjective. For this reason, elected officials make the final determination as to what is necessary and desirable service levels. Since the adopted budget for 1980 represented the collective determination of desirable service levels and since a comparison of property tax rates should be based on similar service levels, the functional format of the 1980 Suffolk County Budget is a logical and realistic foundation from which

comparative expenditure and revenue levels can be established.

The argument that a Peconic County electorate would only select a "bare-bones" approach and would consolidate functions or contract other functions is not relevant to a comparative study of tax rates. Not only is it not relevant but historically does not have any foundation. During the 60's, when the Board of Supervisors had five representatives from Eastern Suffolk, the Medical Examiner's Office had full time staff to provide services beyond that which could have been provided by a consultant. There also existed a separate Treasurer's Office and a Comptroller. In fact, the basic administrative structure which exists now also existed during this period.

It was not, however, assumed that all appropriations or functions currently being done for Suffolk were applicable for a Peconic County. The size of Suffolk allows for specializations which would not be applicable in a Peconic County. For example, the Real Estate Department would not exist in Peconic County although the specialized functions would have to be shared by the Treasurer, Buildings & Grounds, County Attorney and Public Works. Also, a Human Rights Commission and specialized functions currently being provided by the District Attorney and most other departments probably would not be applicable to Peconic County mainly because the smaller size would not allow such specialized functions. These facts have been taken into consideration in this report.

Staffing Levels

The staffing levels shown by function were determined based on data received from County agencies, review of other New York State county budgets of similar size to Peconic and known workload statistics and staffing requirements.

Position Titles

No attempt was made to establish the precise titles for positions applicable to a Peconic County. Such an attempt would be best left to the personnel experts and hence too subjective at this time.

Salary Levels

In determining salary levels, an average salary was developed by appropriation and department from the 1980 Suffolk County budget. Again, since a comparison is to be made for tax rate purposes, a fair assumption would be that salary levels would be initially basically the same. Also, if a Peconic County becomes a reality, it is assumed that staff currently assigned to Suffolk County would transfer to

Peconic County without any loss in benefits. If salaries are 10% lower in Peconic County than Suffolk County, the Peconic County budget would be reduced by approximately \$1,850,000.

Debt Service

In calculating debt service, two methods were considered: list all projects which were directly related to Peconic County and determine the actual principal and interest costs; or to apportion the debt service for 1980 based on the average full value assessment for the last three years. Using the first method, the debt service expense for Peconic County would have been \$8,308,552 for 1980; using the latter method, debt service costs would have been \$6,387,485. The lower of the two figures were used in this study.

Other Than Personal Service Costs

Cost, other than personal services, were developed by using the same ratio which currently exists in the 1980 Suffolk County Budget between personal costs and total appropriation costs. For example, if personal costs for the District Attorney have historically averaged 88% of the total costs, the other costs would be arrived at by dividing personal costs by 88% and subtracting personal costs from total costs. Another method for arriving at these costs would be to calculate other than personal costs on a per employee cost basis. This method is acceptable in certain formula grant applications. If this latter method was used, the other than personal costs for a Peconic County would be higher than stated.

Sales Tax

A major revenue source for the general purpose fund is sales tax receipt. This report used the estimate developed by the State Department of Taxation which assumed 5.5 million to be received by Peconic County per 1% of sales tax. Assuming a 3% sales tax rate in effect, Peconic County would receive \$16,500,000 in 1980.

State & Federal Aid

Another major revenue source is state and federal aid. Although there are known caps and limitations on formula type grants, the budget for Peconic County reflects the historic reimbursement rates for such programs. For example, Title XX for certain Social Service programs has a ceiling allocation. This report assumes that expenditures for Title XX programs have not exceeded the ceiling allocation.

Fund Balance

If there was a Peconic County in 1980, this report distributed the Suffolk 1980 budgeted fund balance based on the percentage of expenditures of Peconic to that of Suffolk County. The total expenditures of Peconic are calculated to be 11.2% of the 1980 Suffolk County Budget, therefore Peconic would receive 11.2% of the fund balance or \$2,545,028 to be used to reduce the tax levy. The same was done for snow removal monies owed to Suffolk County from New York State. In this case, 20% was proportioned to Peconic County since it is estimated that Peconic has that percentage of County highways.

Uncollected Tax Reserve

This report has excluded this major expense item from the Peconic County budget. (\$5,900,000 - 1980 Suffolk Budget). The latest information from the State Department of Audit and Control indicates a different method of accounting for this purpose hence the expense was excluded.

The following is a summary of expenditures and revenues assuming a Peconic County existed in 1980. Following the summary of expenditures and revenues is a detailed listing, by function, of the expenses and revenues with an explanation of each item.

TABLE 1

ESTIMATED BUDGET FOR PECONIC COUNTY
(Based on 1980 Suffolk County Budget)

<u>Appropriations</u>	<u>Suffolk</u>	<u>Peconic</u>	<u>% of Suffolk</u>
Legislative	\$ 1,871,837	\$ 75,000	4.0
Judicial	11,662,201	1,063,161	9.1
Staff	42,210,844	5,228,130	12.4
General Government	8,497,261	64,000	.8
Education	16,233,192	2,225,000	13.7
Public Safety	34,088,348	3,481,606	10.2
Health	39,005,043	4,692,116	12.0
Transportation	22,333,520	3,952,797	17.7
Econ. Assistance	231,254,949	19,907,027	8.6
Recreation	6,595,720	1,213,312	18.4
Home & Community	3,741,102	610,000	16.3
Employee Benefits	35,572,977	4,971,060	14.0
Debt Service	34,526,948	6,387,485	18.5
Insurance	4,046,431	450,000	11.1
Transfer to Capital	(9,712,470)*	1,000,000	10.3
Transfer to CETA Fund	<u>150,000</u>	<u>-0-</u>	<u>0.0</u>
Total	<u>\$491,790,373**</u>	<u>\$ 55,320,694</u>	<u>11.2</u>
<u>Revenues</u>			
Sales Tax	\$148,500,000	\$ 16,500,000	11.1
All Other Revenue	<u>271,792,494</u>	<u>23,112,989</u>	<u>8.5</u>
Sub-total Revenues	<u>420,292,494</u>	<u>39,612,989</u>	<u>9.4</u>
Balance to be Raised by R.E. Tax	\$ 71,497,879	15,707,705	22.0
Less Use of Y.E. Surplus	<u>22,723,464</u>	<u>2,545,028</u>	<u>11.2</u>
Net Taxes Raised	<u>\$ 48,774,415</u>	<u>13,162,677</u>	<u>27.0</u>
Full Assessed Value	\$20,624,754,141	\$4,002,142,464	
Tax Rate/M	<u>\$2.36</u>	<u>\$3.29</u>	
Per Cent Increase -		39.4%	

*Figure represents amount from Federal Revenue Sharing Fund not included in General Fund Appropriation.

**Represents 1980 Budget Appropriation Total.

SEE ATTACHED NOTES TO FINANCIAL STATEMENTS

TABLE 2

SUMMARY OF REVENUES FOR 1980 PECONIC COUNTY BUDGET

BASED ON CURRENT SERVICE LEVELS FOR BASIC PROGRAMS

	1980 County Budget	1980 Peconic County
Revenues: Total	\$468,335,567	\$ 52,633,786
Total: Non Aided	262,824,958	34,129,927
Real Property Taxes	48,774,415	13,162,677
Real Property Tax Items	5,806,000	450,000
Non Property Taxes	156,250,000	17,300,000
Sales Tax	148,500,000	16,500,000
O.T.B.	7,750,000	800,000
Departmental Income	18,437,637	1,463,750
Charges: Other Governments	1,472,846	40,000
Use of Money & Property	11,284,675	318,500
Interfund Revenues	20,126,757*	1,395,000
Federal Revenue Sharing	10,894,094	1,020,000
Transfer from Capital	300,000	75,000
County Road Fund	4,958,116	300,000
State Aid	89,549,906	8,356,667
Federal Aid	115,960,703	10,147,192

*Total includes other revenue items not shown which are not applicable to Peconic County

TABLE 3

JUDICIAL FUNCTION

<u>Approp. No.</u>	<u>Department</u>	<u>No. Staff</u>	<u>Personal Costs</u>	<u>Other Than Personal Costs</u>	<u>Total Cost</u>
1165	District Attorney	23	\$ 470,234	\$ 64,122	\$ 534,356
1170	Legal Aid	14	234,020	31,911	265,931
1171	Bar Association	-0-	-0-	10,000	10,000
1175	Public Administrator	2	30,000	2,000	32,000
1185	Medical Examiner	12	<u>192,160</u>	<u>28,714</u>	<u>220,874</u>
Total Operating Cost			\$926,414	\$136,747	\$1,063,161
Less: Revenues Generated by Function					<u>93,413</u>
Federal Aid					-0-
State Aid					91,663
Departmental Income					1,750
Other					-0-
Total Net Operating Cost					\$ 969,748

DISTRICT ATTORNEY

The staffing level for the District Attorney assumes the continuation of the following basic functions: staff assignments for local Justices of the Peace; a combined grand jury and trial bureaus; the continuation of the specialized rackets and appeals bureaus; continued need for support investigations service. Other specialized bureaus would not be staffed. Salaries are calculated using an average salary times the anticipated staffing needs. Other than personal service costs, are based on a historic trend of labor costs being approximately 88% of total operating costs and assuming this ratio to be accurate for a Peconic County operation. The District Attorney would receive State Aid of \$10,000 for the District Attorney's salary.

LEGAL AID

Pursuant to Sections 358, 384 and 392 of the Social Services Law; Section 722 of the County Law; and Sections 262 and 1120 of the Family Court Act, a County is required to provide legal services to indigent citizens charged with a crime or with certain offenses defined by the Family Court Act and Social Services Law. Suffolk currently has three options: Public Defender, Legal Aid contract, or some combination thereof. The County has selected the last option and it is assumed Peconic County would continue with this option since it has proved to be the most effective and least costly. Approximately 50% of all criminal matters involve Legal Aid staffing and in addition the staff assigned to Legal Aid also handles Family Court matters where incarceration is a possibility;

JUDICIAL FUNCTION

LEGAL AID (Continued)

and civil court matters. Therefore, the staffing levels for Legal Aid would be approximately 60% of that required by the District Attorney. This staffing level, times an average salary of \$18,797 is how the personal service costs were developed. There are no revenues assigned to Legal Aid.

BAR ASSOCIATION

\$10,000 has been included for a Peconic County budget based upon the anticipated need for special cases where Legal Aid could not handle due to conflict in schedules or interest.

PUBLIC ADMINISTRATOR

Based on Section 1202 of the Surrogate Procedure Act, the functions of the Public Administrator are required to deal with the estate of decedents where relatives are not immediately known to the Court. It is assumed that a full time Public Administrator and a Secretary would be required in Peconic County.

MEDICAL EXAMINER

The Medical Examiner receives its legal mandate from Section 704 of the County Law and Sections 620-623 of the Public Health Law of New York State. Currently the Medical Examiner investigates all deaths of suspicious or unknown basis, removes deceased from scene of death and in some cases does autopsies. The staffing level assigned assumes a continuation of the basic functions of medical investigations, autopsies, laboratory and ambulance services. The personal services cost is based on an average salary of \$15,930. It is also assumed that Peconic County would continue the Medical Examiner as a division of Health Services which would make it eligible for State Aid.

TABLE 4

LEGISLATIVE, STAFF & GENERAL GOVERNMENT SUPPORT FUNCTION

<u>Approp. No.</u>	<u>Department</u>	<u>No. Staff</u>	<u>Personal Costs</u>	<u>Other Than Personal Costs</u>	<u>Total Cost</u>
1010	Legislative	8	\$ 60,000	\$ 15,000	\$ 75,000
1230	County Executive	7	157,940	27,871	185,811
1315	Audit & Control	8	148,920	3,039	151,959
1325	Finance & Taxation	10	150,650	16,738	167,388
1345	Purchase	3	54,860	2,285	57,145
1355	Real Prop Tax	5	84,820	8,389	93,209
1410	County Clerk	20	271,920	11,330	283,250
1411	Motor Vehicles	15	190,860	16,596	207,456
1420	County Attorney	10	235,450	4,805	240,255
1430	Civil Service	10	160,960	8,471	169,431
1450	Bd. of Elections	8	145,080	118,702	263,782
1620	Bldgs & Grounds	58	906,878	1,252,355	2,159,233
1680	Data Processing	16	360,448	98,763	459,211

Shared Services

Telephone	-0-	450,000	450,000
Auto & Gasoline	-0-	150,000	150,000
Mailing	-0-	65,000	65,000
Printing	-0-	50,000	50,000
Tax Advertising	-0-	25,000	25,000
Expenses: County Property	-0-	50,000	50,000
Taxes: County Property	-0-	50,000	50,000
MFOA Dues	-0-	4,000	4,000
Judgement & Claims	-0-	10,000	10,000
Total Operating Cost		\$2,928,786	\$5,367,130

TABLE 4 (Cont'd.)

LEGISLATIVE, STAFF & GENERAL GOVERNMENT SUPPORT FUNCTION

Less: Revenues Generated By Function:	921,500
Federal Aid:	100,000
4091:Other Indirect Costs	<u>100,000</u>
State Aid:	25,000
3089:Tax Map Digitizer	<u>25,000</u>
Departmental	<u>478,000</u>
Other:	318,500
Use of Money & Property	<u>318,500</u>
Net Operating Cost	\$4,445,630

LEGISLATURE

Assumes a Board of Supervisor structure, one from each of the five towns, with 9 two clerical support staff and a Clerk of the Legislature. Salary levels reflect part-time status of each board member.

COUNTY EXECUTIVE

Could be elected or appointed official, the basic functions being the following: administrative officer to coordinate departmental programs; budget officer to prepare and control annual operating and capital budgets; federal and state aid coordination. Staffing levels reflect need for two specialized titles in addition to Executive and support clerical staff. Salary levels reflect 1980 Suffolk County average salary for this appropriation.

AUDIT & CONTROL

This function could be headed by an elected or appointed official. The staffing level reflects the continued need of the following functions: preaudit function of all county expenditures; general accounting functions related to the establishment and maintenance of expenditure and appropriation accounts at both central location as well as within departments; a warrant on all payroll expenditures; a post audit function on all fiscal accounts. The salary levels 0 reflect the current average salary associated with this appropriation. The other than personal costs reflect the historic ratio of these costs to total operating expenses for this appropriation.

LEGISLATIVE, STAFF & GENERAL GOVERNMENT SUPPORT FUNCTION

FINANCE & TAXATION

This department would be headed by an elected treasurer. The staffing level assumes the continuation of the following functions: cash management; general ledger accounting; the accounting and management of properties acquired for taxes. In addition, it is assumed that the Suffolk County Tax Act would also apply to Peconic County which would require the treasurer to do the functions currently done by the Suffolk Department of Real Estate. The salary levels are based on the current average salary for this appropriation.

PURCHASE

This department could be consolidated with the Executive or be a separate agency. The staffing level assumes the need for a central purchasing function 0 which deals with the legal requirements of bidding, selection, and authorization. It assumes one specialized title and two clerical support functions. The salary levels are based on a current average salary for this appropriation.

REAL PROPERTY TAX SERVICE

In accordance with Article 15A of the New York state Real Property Tax Law, counties are required to maintain and update an official tax map of all land parcels in the county. The agency also deals with certiorari claims and acts as an advisor to the Legislature on such claims. The staffing level reflects the 9 basic need to provide only the legal mandate of this function plus tax map digitizer and would not provide current service levels. The salary level was based on the current average salary for this appropriation. There are fees and State Aid associated with this department.

COUNTY CLERK

The County Clerk would be an elected official. The staffing level developed assumes current levels of operations which include the following functions: court related services; torrens services; naturalization and passport administration and micrographics administration. The salary level assumes the current average salary for this appropriation. Departmental fees are projected at \$200,000 for a n t co st of \$83,250.

MOTOR VEHICLES

This would be a division of the County Clerk. The staffing level assumes the continuation of the Motor Vehicle Office in Riverhead and a continuation of the mail applications and registrations. The salary level would be the same as the average salary for this appropriation. Revenues are projected to be \$150,000. 0

LEGISLATIVE, STAFF & GENERAL GOVERNMENT SUPPORT FUNCTION

COUNTY ATTORNEY

The County Attorney would be an appointed position. The staffing levels assume a continuation of the following basic functions for a Peconic County: provide legal opinions and counseling; a litigation function; a family court unit; land acquisition unit; welfare inspector general unit; and a tort unit.

CIVIL SERVICE

The head of this department would be an appointed position. The staffing levels are based on the continuation of the following basic functions: classification and compensation services for all jurisdictions within Peconic County; examination services for all jurisdictions; transactional services which relate to daily changes made within Peconic County; certification services required by state law. The staffing recommended would not allow for the timeliness which is currently experienced and would assume a constant backlog on services.

BOARD OF ELECTIONS

The Election Law of New York State requires two persons to head this department, one from each of the major political parties. It also requires an equal distribution of staff members from each of the two major political parties. The staffing level reflects a need for the following basic functions: supervise registration of voters; supervise and conduct all primary and general elections held in Peconic County; to appoint and instruct all election inspectors; to maintain a campaign finance division; and the tabulations of election results. The other than personal costs reflects printing and a contract for election inspectors.

BUILDINGS & GROUNDS

The basic mission of this department would be to provide and maintain facilities for all Peconic County departments, except the Community College and parks. The staffing level assumes the following basic functions to be provided: the repair, maintenance and alterations of all owned and rented facilities; the cleaning and security of facilities; design and construction for new facilities or parking areas; space management which oversees the leasing and reassignments of existing facilities. This department would also be responsible for the fuel, light, power, water and rental costs for the Peconic County.

DATA PROCESSING

This could be a separate department or a division of another department. The staffing levels assume an in-house capability to do systems analyses, programming and computer operations. Basic services would be process oriented, such as payroll and appropriations systems. Operational services could be provided to the computerization of a land management system which would benefit Real Property Tax Service, County Clerk and the Treasurer. Other services could be done on a contractual basis.

LEGISLATIVE, STAFF & GENERAL GOVERNMENT SUPPORT FUNCTION

SHARED SERVICES

Telephone costs should be more expensive on a per person basis for a Peconic County since the budget does not provide for a specialized unit which could monitor and recommend improved technologies. Also, the distances would be greater and hence the message unit costs would be more expensive. This expense is estimated based on the total projected staff required for Peconic County in addition to the above.

Auto and gasoline expenses are currently centralized and are therefore centralized in a Peconic County Budget for comparisons only. Included in this expense category would be car purchases and supplies.

Mailing and printing costs are estimated on a conservative basis and are shown in this manner for comparative purposes.

Tax advertising, expense on County property and taxes on County property assume a continuation of the Suffolk County Tax Act. The expenses are offset almost entirely by revenues.

TABLE 5

EDUCATION FUNCTION

<u>Approp. No.</u>	<u>Department</u>	<u>No. Staff</u>	<u>Personal Costs</u>	<u>Other Than Personal Costs</u>	<u>Total Cost</u>
2490	Out of County Tuition	-0-	\$ -0-	\$ 175,000	\$ 175,000
2495	County Contribution: Community College	-0-	-0-	1,290,000	1,290,000
2960	Education: Handicapped Children	-0-	-0-	760,000	<u>760,000</u>
	Total Operating Cost				2,225,000
				Less: Revenues Generated by Function	<u>380,000</u>
				Federal Aid	-0-
				State Aid	380,000
				Departmental	-0-
	Total Net Operating Cost				\$1,845,000

OUT OF COUNTY TUITION

This is a mandated expense for the County costs associated with residents attending a community college in any part of New York State. The \$175,000 projected represents approximately 10% of the 1980 budgeted figure.

COMMUNITY COLLEGE CONTRIBUTION

This represents the County share for operating a Community College. The cost to Peconic County would be \$1,218 per full time equivalent student times an estimated 1,059 full time equivalent students. This represents the current cost of the Eastern Campus. If Suffolk were to continue the operations of the Eastern Campus the cost per full time equivalent student would be less since the Selden and Western Campuses reduce the overall cost of the community college on a full time equivalent basis.

EDUCATION: HANDICAPPED CHILDREN

Under Chapter 853 of the Laws of 1976, the counties throughout New York State became responsible for providing education for pre-school age handicapped children and the maintenance costs of school age children in residential schools. The \$760,000 reflects approximately 11% of the total county cost for this program. This program is 50% reimbursable by State Aid.

TABLE 6

PUBLIC SAFETY FUNCTION

<u>Approp. No.</u>	<u>Department</u>	<u>No. Staff</u>	<u>Personal Costs</u>	<u>Other Than Personal Costs</u>	<u>Total Cost</u>
3110	Sheriff	26	\$ 446,826	\$ 66,767	\$ 513,593
3120	Police Services	50	1,383,142	120,273	1,503,415
3140	Probation	17	292,374	25,423	317,797
3150	Corrections	38	663,812	117,143	780,955
3171	Criminal Justice Council	3	56,451	6,000	62,451
3410	Fire Safety	10	152,540	38,135	190,675
3640	Civil Defense	5	94,685	18,035	112,720
Total Operating Cost			3,089,830	391,776	3,481,606
Less: Revenues Generated by Function					<u>385,353</u>
Federal Aid					123,000
State Aid					199,353
Departmental Income					63,000
Total Net Operating Cost					\$3,096,253

SHERIFF

The office of the County Sheriff is mandated by Sections 400 and 600 of the County Law. The Sheriff functions as an officer of the court and as a conservator of the peace. The Sheriff division has the following major functions: provides enforcement duties; executes civil and criminal warrants for the courts; responsible for the accounting of revenues and funds received in the performance of this function; transports prisoners to court and other institutions; provides communications and information on criminal matters for local police jurisdictions; reviews all requests for firearm licences for East End residents. The projected staffing level for a Peconic County operation is the minimum number of staff to accomplish the above functions for the residents of the five eastern towns. It is projected that the Sheriff would collect \$60,000 in fees in providing a civil function for the courts.

POLICE SERVICES

Currently the Suffolk County Police Department has a general detective squad, known as the 7th Squad, located in the East End. The Police Department also provides the following services: provides special detective services for East End Police Departments such as homicide, arson, narcotics, organized crime,

PUBLIC SAFETY FUNCTION

POLICE SERVICES (Continued)

rackets, burglary and theft investigations; provide an identification function; provide special laboratory services through the Medical Examiner's forensic and crime lab; provide special training programs at the Police Academy located in eastern Suffolk. In order to continue these and other services not listed, there would be a minimum need for at least 50 staff members. It is assumed that this service would be on a contractual basis since the start up cost for providing these services direct would make the total costs more than shown above.

PROBATION

The Probation Department currently has an East End office in Riverhead which provides investigational services to the courts and also is responsible for supervision of persons assigned by the courts. Probation also assists the Family Court on all juvenile matters and provides intensive supervision of juveniles and adults as an alternative to the more expensive institutional costs. It is conservatively estimated that a Probation Department in Peconic County would require at least seventeen staff members to provide these services. Probation is a State aided department.

CORRECTIONS

A jail facility located in Peconic County would require a minimum of 38 staff to provide coverage for persons remanded to the jail from the East End. It is estimated that 7,000 person days would be required based on current statistics for an East End Facility or a daily population of approximately 20 inmates. If a contract arrangement were established for 1980, the cost per inmate currently at the jail is approximately \$85 per day. This times 7,000 person days would cost the Peconic County approximately \$595,000 which is substantially less than operating their own facility.

CRIMINAL JUSTICE COORDINATING COUNCIL

This agency acts as a clearing house for federal funds for local police jurisdictions. Since approximately 70% of their costs are federally funded it is assumed Peconic County would continue this function.

FIRE SAFETY

This department provides communications and training functions for local fire departments. It is assumed that Peconic County would continue this function and would merge this with Vocational Education Board. It is projected that ten staff members would be needed to provide the basic communications and training functions required.

PUBLIC SAFETY FUNCTION

CIVIL DEFENSE

This department provides emergency plans in the event of national or other type disasters. This agency also acts as a clearing house for surplus material and equipment from the federal government. Since this agency is 50% reimbursable with federal funds, it is assumed Peconic County would continue this program.

TABLE 7

<u>HEALTH FUNCTION</u>					
<u>Approp. No.</u>	<u>Department</u>	<u>No. Staff</u>	<u>Personal Costs</u>	<u>Other Than Personal Costs</u>	<u>Total Cost</u>
4009	Jail Medical Program	2	\$ 52,500	\$ 72,500	\$ 125,000
4010	Public Health Admin & Nursing Services	50	995,000	52,368	1,047,368
4015	Environmental Services	33	650,000	80,337	730,337
4018	Emergency Medical Services	9	115,264	115,264	230,528
4025	Public Health Lab	5	90,000	10,000	100,000
4035	Family Planning Services	5	73,000	82,318	155,318
4068	Vector Control Services	10	138,000	20,620	158,620
4100	Patient Care Services	13	225,638	67,398	293,036
4102	Riverhead Health Clinic	19	345,819	70,511	416,330
4220	Narcotic Addiction	8	155,568	36,491	192,059
4230	Drug Abuse	5	100,000	157,000	257,000
4310	Mental Health	25	520,000	246,520	766,520
4046	Physically Handicapped	-	-0-	220,000	220,000
Total Operating Costs			3,460,789	1,231,327	4,692,116
Less: Revenues Generated by Function					<u>1,847,760</u>
Federal Aid					125,000
State Aid					1,688,760
Departmental					34,000
Net Operating Cost					\$2,844,356

JAIL MEDICAL PROGRAM

Mandated expenses associated with medical services for those inmates in the Suffolk County Correctional Facility. Expenses include cost for a physician, nurse and contract expenses for hospital care.

HEALTH FUNCTION

PUBLIC HEALTH - ADMINISTRATION AND NURSING SERVICES

Budget assumes current level of services for nursing care in East End. Projected figure is based on current number of staff assigned to East End. Services are more expensive due to distances which must be traveled, hence increased mileage costs and lower productivity figures.

ENVIRONMENTAL SERVICES

Approximately 25% of current environmental services are being done in the five eastern towns. The projected cost is based on maintaining this level of service.

EMERGENCY MEDICAL SERVICES

Currently nine of the forty three Advanced Life Support units are in use in the five eastern towns. The projected cost of this service assumes a continuation of current service levels.

PUBLIC HEALTH LAB

Approximately 22% of all testing done by the Public Health Lab is for the East End. The projected costs for 1980, if there was a Peconic County, would be the above amount assuming the service levels remained the same.

FAMILY PLANNING SERVICES

The projected costs for this service are based on the number of patients visits in the East End. This service is federally financed.

VECTOR CONTROL SERVICES

Approximately 15% of this service is related to the East End. The service provides water management and limited insect spray to control and limit the mosquito population. This is a non-mandated program and the costs projected assume a continuation at or about current levels. This service has been mechanized in recent years and the distribution of such equipment would impact the personal costs if there were a Peconic County.

PATIENT CARE SERVICES

This service provides prenatal care, child health care, T.B. screening, V.D. screening, immunization programs and general administration for health clinic operations. It is assumed that such services would be continued and hence the need for thirteen staff members.

HEALTH FUNCTION

RIVERHEAD HEALTH CLINIC

The current facility provides services to East End residents for a variety of health related problems. The projected costs are what is currently shown in the 1980 Suffolk County Budget. It is assumed this service would be continued if there was a Peconic County.

SUBSTANCE ABUSE

Both the Narcotic and Drug Abuse costs are based on current services provided to the East End. These services are State aided and the assumption is that Peconic County would continue such services at current levels.

MENTAL HEALTH

The projected cost for Mental Health services reflect the operation of the Riverhead Clinic, current contracts with the East End agencies and an administrative staff to maintain current service levels. This service is also State aided.

PHYSICALLY HANDICAPPED PROGRAM

This is a State mandated program whereby the County administers health services for certain categories of physically handicapped children. The State provides matching funds for the cost of the program. The cost to Peconic County reflects current caseload statistics.

TABLE 8

TRANSPORTATION FUNCTION

<u>Approp. No.</u>	<u>Department</u>	<u>No. Staff</u>	<u>Personal Costs</u>	<u>Other Than Personal Costs</u>	<u>Total Cost</u>
1490	DPW-Gen'l Administration & Engineering	25	\$ 515,225	\$ 27,118	\$ 542,343
5110	DPW-Highway Maintenance	40	581,280	136,349	717,629
5120	DPW-Bridge Maintenance	10	140,130	20,938	161,068
5130	Road Machinery	6	97,070	262,448	359,518
5142	Snow Removal-County	-0-	-0-	250,000	250,000
5510	Transportation- Handicapped	-0-	-0-	160,000	160,000
5610	Aviation-Westhampton	7	148,000	7,789	155,789
5631	Mass Transit-Omnibus	-0-	-0-	536,000	536,000
5640	MCTA-Aid L.I.R.R.	-0-	-0-	800,000	800,000
5710	DPW-Waterways	8	128,928	4,680	133,608
5711	DPW-Dredges	7	<u>130,000</u>	<u>6,842</u>	<u>136,842</u>
	Total Operating Costs		1,740,633	2,212,164	3,952,797
	Less: Revenues Generated by Function				<u>324,000</u>
					38,000
					142,000
					144,000
	Total Net Operating Cost				\$3,628,797

DEPARTMENT OF PUBLIC WORKS-ADMINISTRATION & ENGINEERING

The administration and engineering staff requirements of Public Works would require a minimum staff of twenty-five to carry out the following basic functions in a growing area such as Peconic: develop engineering plans and supervise the construction of all roads, sidewalks, grade separation and drainage structures under the County's jurisdiction; test the quality of construction material; payroll, purchase and overall administration of Public Works department.

TRANSPORTATION FUNCTION

HIGHWAY MAINTENANCE

Approximately 20% of all Suffolk County roads are located in eastern Suffolk. Therefore, the workload and the overall supervision of maintaining such road would require, at a minimum, a staff of 40.

BRIDGE MAINTENANCE

Most bridges in Suffolk County are located in eastern Suffolk. Therefore, the major costs associated with this function would be East End related.

ROAD MACHINERY

This division is responsible for the repair and maintenance of all heavy equipment associated with highway maintenance and construction. Other than personal cost items include gasoline, oil, small tools and garage supplies which are required for heavy equipment operations. A minimum of six mechanics are required for a Peconic County operation. If the five towns were to provide highway maintenance and repair functions on current County roads, these costs would then have to be added to each of the town budgets and would probably be an increase due primarily to economics of scale associated with the purchase and maintenance of heavy equipment.

SNOW REMOVAL

This is an intangible expense since it is difficult to predict snow conditions each year. A conservative figure of \$250,000 would be associated with snow removal for County roads in a Peconic County.

TRANSPORTATION OF HANDICAPPED CHILDREN

This is a mandated expense to the Counties throughout New York State for the transportation of preschool age children and summer school transportation. Peconic County would have approximately 10% of this expense which is increasing dramatically each year.

AVIATION

This division of the Transportation Department operates the Westhampton Airport. It is assumed that a Peconic County would continue this operation but at a reduced level of services than is currently being provided.

MASS TRANSIT-OMNIBUS

This program represent the first year costs associated with Phase I of the Mass Transit Operating Plan. In this plan, Riverhead would be considered a transportation hub for eastern Suffolk with bus routes traveling the north and south forks. The \$536,000 cost assumes a late startup in 1980 with costs

TRANSPORTATION FUNCTION

MASS TRANSIT-OMNIBUS (Continued)

increasing each year thereafter. This program is supported by fare box revenues, Federal and State Aid which would result in a net cost to the County of approximately \$357,000. It is assumed that this program would be continued in Peconic County.

MCTA-AID TO LONG ISLAND RAIL ROAD

This is a State mandated expense associated with station maintenance and operations as well as the County's share of matching operating assistance to the Long Island Rail Road based on Section 18A of the Transportation Law. It is estimated that 10.2% of the 1980 budgeted amount would be attributed to Peconic County.

WATERWAYS & DREDGES

Both these divisions of Public Works are primarily east end services. The staffing from the current budget has been reduced to reflect a more conservative approach since some projects are done for the western Suffolk residents. An amount has been added to the dredge division to reflect contractual expenses which are not reflected in their current appropriation.

TABLE 9

ECONOMIC ASSISTANCE & OPPORTUNITY FUNCTION

<u>Approp. No.</u>	<u>Department</u>	<u>No. Staff</u>	<u>Personal Costs</u>	<u>Other Than Personal Costs</u>	<u>Total Cost</u>
6005	Administration: Social Services	10	\$ 161,870	\$ 16,009	\$ 177,879
6010	Community Services Administration	51	1,130,000	47,083	1,177,083
6015	Public Assistance Administration-S.S.	24	420,000	22,105	442,105
6201	Medical Assistance Administration-S.S.	4	52,628	2,770	55,398
	Social Service Program Costs*	-0-	-0-	582,334	582,334
6119	Foster Care	-0-	-0-	352,750	352,750
6101	Medical Assistance	-0-	-0-	9,500,000	9,500,000
6109	Public Assistance	-0-	-0-	6,299,410	6,299,410
6140	Home Relief	-0-	-0-	748,078	748,078
6123	Juvenile Delinquent Care	-0-	-0-	272,549	272,549
6330	Economic Opportunity Council	-0-	-0-	10,000	10,000
6410	Economic Development	-0-	-0-	90,000	90,000
6510	Veterans Service	2	28,555	1,506	30,061
6610	Consumer Affairs	4	62,000	5,000	67,000
6772	Aging	4	43,000	59,380	102,380
	Total Operating Costs		1,898,053	18,008,974	*19,907,027
	Less: Revenues Generated by Function				15,779,708
				Federal Aid	9,761,192
				State Aid	5,395,516
				Departmental	623,000
	Net Operating Cost				\$ 4,127,319

*Includes: 6070-Purchase of Services
6142-Emerg. Aid to Adults

6071-Medical Exams
6191-Day Care

ECONOMIC ASSISTANCE & OPPORTUNITY FUNCTION

SOCIAL SERVICES ADMINISTRATION

The State has required, since 1972, that Counties administer Social Services through a separation of services organizational structure. This means that there are three basic divisions within the Social Services Department with a separate administrative staff assigned to each division. A central administration coordinates the activities of each division. The staffing levels assigned reflect the actual caseload and distances traveled in the East End. With the exception of the Services Division, which is 87 1/2% reimbursable under the Title XX ceiling, the other divisions are 75% reimbursable.

SoCIAL SERVICES PROGRAM COSTS

The costs assigned for each of the program costs are those related to current caseloads in the East End. Approximately 8.6% of Public Assistance and 11% of Medical Assistance caseload are East End. The lower dollar figure for 4 Medical Assistance reflects a lower hospital utilization rate than the 11% caseload would indicate. These programs are 75% reimbursable with the exception of the Title XX services which are 87 1/2% reimbursable unless a county exceeds the ceiling allocation. It is not known at this time what dollar ceiling the State would allow for a Peconic County hence the full 87 1/2% amount.

JUVENILE DELINQUENT CARE

The program is administered by the Probation Department. The cost assigned reflect actual East End caseload.

ECONOMIC DEVELOPMENT

The \$90,000 assigned reflects the amount for tourist advertisements made which is reimbursable approximately \$40,000 by New York State.

VETERANS & CONSUMER AFFAIRS

The staffing levels assigned reflect the basic manpower needs to provide basic services. Such services include the processing of veteran's benefits and assistance; weights and measure function required by State law; licensing of contractors; consumer information and investigations.

AGING SERVICES

This is a federally funded project which provides services to the elderly in the County. The staffing levels and contracted dollar amounts reflect the cost to a Peconic County is they desired to keep this program at basic service levels.

TABLE 10

CULTURE & RECREATION FUNCTION

<u>Approp. No.</u>	<u>Department</u>	<u>No. Staff</u>	<u>Personal Costs</u>	<u>Other Than Personal Costs</u>	<u>Total Cost</u>
7110	Parks	35	\$659,745	\$256,567	\$ 916,312
7320	Youth Programs	5	85,000	110,000	195,000
7410	Coop. Library Contract	-0-	-0-	50,000	50,000
7511	Cty. Historical Society	-0-	-0-	25,000	25,000
7512	County Whaling Museum	-0-	-0-	2,000	2,000
7541	Cultural Affairs Council	-0-	<u>-0-</u>	<u>25,000</u>	<u>25,000</u>
Total Operating Cost			\$744,745	\$468,567	\$1,213,312
Less: Revenues Generated by Function					<u>232,375</u>
Federal Aid					-0-
State Aid					112,375
Departmental					<u>120,000</u>
Total Net Operating Cost					\$980,937

PARKS

Currently the Parks Department provides security, maintenance and recreational activities in all County parks located throughout Suffolk County. Of the total 17,000 acres of Suffolk County parks, approximately 8,000 acres are located in the East End. Of the total number of parks, approximately 33% are East End. Of the total staff assigned to the parks, approximately 25%, not including administrative staff, are assigned to East End parks. The staffing level shown therefore, is a conservative estimate, based on current staffing patterns, in order to provide the basic services to preserve, maintain and equip parklands.

YOUTH PROGRAMS

The County currently acts as a clearing house for youth programs throughout the County by establishing plans for State approval and developing contracts with local agencies. It is assumed that a Peconic County would continue this program as a means of obtaining State funds and providing a match in order that local agencies can deal with recreation and other youthful type programs. The costs reflect those services currently being provided to East End residents with a modest staff to administer the program.

CULTURE & RECREATION FUNCTION

COOPERATIVE LIBRARY SYSTEM

Currently libraries on the East End receive services from the Suffolk Cooperative Library System. It is assumed this service would be continued at an annual charge to the County of \$50,000.

HISTORICAL SOCIETY

The Historical Society received \$25,000 per annum from Suffolk County and is located in Peconic. If there was a Peconic County, this expense would be totally a Peconic County charge.

WHALING MUSEUM

This museum is located in Sag Harbor and would be an expense to Peconic County.

CULTURAL AFFAIRS

It is assumed that Peconic County would continue the program of providing monies to local groups and organizations which conduct cultural activities for residents.

<u>Approp. No.</u>	<u>Department</u>	<u>No. Staff</u>	<u>Personal Costs</u>	<u>Other Than Personal Costs</u>	<u>Total Cost</u>
8020	Planning & Environmental Council	7	\$ 155,000	\$ 20,000	\$ 175,000
8730	Soil & Water Conservation	-0-	-0-	60,000	60,000
8750	Cooperative Extension	-0-	<u>-0-</u>	<u>375,000</u>	<u>375,000</u>
	Total Operating Cost		\$ 155,000	\$ 455,000	\$ 610,000
			Less:	Revenues Generated by Function	<u>2,000</u>
				Federal Aid	-0-
				State Aid	2,000
				Departmental	<u>-0-</u>
	Total Net Operating Cost				\$ 608,000

In accordance with the General Municipal Laws of New York State, the Planning Department provides the following functions: prepares and updates a comprehensive plan for counties; prepares and maintains an official map; renders planning services to towns when requested; considers certain proposed municipal zoning actions; performs demographic, economic and environmental research studies; does an environmental plan and reviews impact studies. The staffing levels proposed reflect a continuation of these functions for a Peconic County.

The basic purpose of this agency is as follows: prevent soil erosion through the use of effective water management techniques; formulate conservation plans for farms with 25 acres or more. Since the major purpose is related to agriculture, the major expense for this Agency would be Peconic related.

This agency is charged with the following responsibilities: provide educational programs for home economics, 4-H youth development and agriculture; develops and implements vocational programs. Since the major focus of this non-mandated program is toward agriculture, the costs reflected would be a Peconic County expense.

TABLE 12

MISCELLANEOUS & UNDISTRIBUTED FUNCTIONS

<u>Approp. No.</u>	<u>Department</u>	<u>No. Staff</u>	<u>Personal Costs</u>	<u>Other Than Personal Costs</u>	<u>Total Cost</u>
9010	Retirement		\$ -0-	\$ 3,287,735	\$ 3,287,735
9030	Social Security		-0-	896,655	896,655
9060	Health Insurance		-0-	583,920	583,920
9080	Welfare & Dental		-0-	202,750	202,750
9550	Transfer to Capital Fund		-0-	1,000,000	1,000,000
9568	Transfer to Insurance Fund		-0-	450,000	450,000
9575	Transfer to Debt Service Fund		<u>-0-</u>	<u>6,387,485</u>	<u>6,387,485</u>
	Total Operating Cost		\$ -0-	\$12,808,545	\$12,808,545
	Less: Revenues Generated by Function				-0-
			Federal Aid		-0-
			State Aid		-0-
			Departmental		<u>-0-</u>
	Total Net Operating Cost				\$12,808,545

Retirement costs are comprised of various groups of employees at different rates based on starting dates of employment. The highest rate currently for retirement is for the policemen hired before July 1, 1973 - 41.8%. The lowest rate is for new employees hired after July 1, 1976 - 9.5%. There are five main tier groups which comprise the major cost of retirement to the County. An average percent of personal salaries which represents an indicator of current retirement expenses is 22%.

Social Security costs are based on a maximum of 6.13% of \$25,900. Taking into consideration the number of employees earning more than the maximum salary of \$25,900 and those earning less, an average percent of 6.0% of personal salaries can be used to project Social Security expenditures.

Welfare and dental expenses are based on the same costs presently incurred by Suffolk County of \$250 per employee.

Health insurance expenses vary widely depending on the health plan chosen by the employee. Based on current experience in Suffolk County, an average rate of \$720 per employee is used for this projected cost.

MISCELLANEOUS & UNDISTRIBUTED FUNCTIONS

(Continued).

The cost of \$1,000,000 for transfer to capital funds represents a continuation of current capital projects proposed for the East End. It is assumed that the five eastern towns would continue a Capital Budget process. Therefore, this expense would be necessary.

Insurance costs are currently set at a maximum of 1.67% of operating expenditures by the State of New York. Suffolk County presently budgets a percentage of 1.1% for anticipated insurance expenses. The proposed budget for Peconic is projected at 0.8% of total operating costs.

Debt service expenses are projected based on the average full value assessment for the last three years.

TABLE 13

COST PER CAPITA: SELECTED COUNTIES, 1980

COUNTY	POTNAM	CHEMUNG	PECONIC	OSWEGO	ST. LAWRENCE	ULSTER	NIAGARA	DUTCHESS
POPULATION	77,770	98,459	109,405	113,746	118,746	160,447	236,033	238,588
<u>TOTAL</u>	<u>319.83</u>	<u>424.90</u>	<u>460.35</u>	<u>421.00</u>	<u>400.67</u>	<u>466.31</u>	<u>353.11</u>	<u>367.40</u>
<u>Legislature</u>	<u>1.22</u>	<u>1.28</u>	<u>.69</u>	<u>4.85</u>	<u>1.61</u>	<u>3.84</u>	<u>1.32</u>	<u>1.59</u>
<u>Judicial</u>	<u>4.13</u>	<u>4.74</u>	<u>9.74</u>	<u>3.86</u>	<u>4.01</u>	<u>4.73</u>	<u>3.58</u>	<u>5.55</u>
District Attorney	1.57	2.37	4.89	1.70	1.29	2.37	1.51	2.47
Legal Aid	1.31	1.06	2.43	.78	1.28	.94	.89	1.71
Public Administrator	-	-	.30	-	-	-	-	-
Medical Examiner	.40	-	2.02	.30	.29	.43	.36	.41
Other	.85	1.31	.10	1.08	1.15	.99	.82	.96
<u>Staff</u>	<u>31.00</u>	<u>29.29</u>	<u>48.42</u>	<u>24.27</u>	<u>27.38</u>	<u>23.92</u>	<u>16.27</u>	<u>15.57</u>
County Executive	1.14	.80	1.70	-	-	-	.22	.76
Comptroller	-	-	1.39	-	1.95	.29	.21	.82
Treasurer	2.96	1.45	1.53	2.22	1.13	1.13	1.12	1.44
Purchasing	.78	.24	.53	-	.34	3.11	.27	-
Real Property	1.95	.65	.86	.97	2.85	1.65	.79	1.13
Clerk	4.45	1.94	2.59	4.62	2.10	3.01	3.37	2.84
Motor Vehicle	-	-	1.90	-	-	-	-	-
County Attorney	1.65	.54	2.20	.66	.18	.42	.55	.83
Civil Svc. & Personnel	1.36	.58	1.55	1.80	.58	.90	.77	1.28
Elections	1.34	.75	2.43	1.35	1.08	1.15	1.28	1.11
Buildings & Grounds	1.39	8.63	19.74	4.24	5.80	6.29	6.52	-
Data Processing	3.76	2.19	4.20	-	2.60	.27	-	-
Other	10.22	11.52	7.80	8.41	8.77	5.70	1.17	5.36
<u>Education</u>	<u>8.61</u>	<u>10.96</u>	<u>20.34</u>	<u>3.97</u>	<u>2.13</u>	<u>14.85</u>	<u>15.81</u>	<u>15.30</u>
<u>Public Safety</u>	<u>19.01</u>	<u>19.01</u>	<u>31.85</u>	<u>20.33</u>	<u>15.27</u>	<u>15.06</u>	<u>18.55</u>	<u>18.58</u>
Sheriff	7.16	7.46	4.70	13.99	10.50	4.35	10.23	6.87
Police	-	-	13.75	-	-	-	-	-
Probation	1.77	5.75	2.91	4.12	3.74	1.75	2.22	2.73
Corrections	8.30	5.35	7.14	-	-	7.42	5.21	7.53
Criminal Justice	.47	-	.57	-	-	-	-	-
Fire Safety	.24	.15	1.75	1.54	.49	1.26	.22	1.12
Emergency Preparedness	1.07	.30	1.03	.68	.54	.28	.67	.33
<u>Health</u>	<u>33.33</u>	<u>27.83</u>	<u>42.89</u>	<u>41.48</u>	<u>17.08</u>	<u>78.21</u>	<u>22.33</u>	<u>49.38</u>
<u>Transportation</u>	<u>47.14</u>	<u>51.85</u>	<u>36.13</u>	<u>82.01</u>	<u>42.40</u>	<u>40.35</u>	<u>1.92</u>	<u>43.44</u>
Public Works	42.64	27.99	22.48	80.73	41.15	35.57	1.12	32.67
Other	4.50	23.86	13.65	1.28	1.25	4.78	.80	10.77
<u>Economic Asst & Oppt</u>	<u>98.82</u>	<u>143.56</u>	<u>181.96</u>	<u>203.94</u>	<u>258.71</u>	<u>234.79</u>	<u>199.62</u>	<u>174.49</u>
Social Services	85.40	133.18	180.12	198.67	207.26	193.13	191.24	150.86
Veterans	.11	.48	.28	.52	.31	.52	.18	.41
Consumer Affairs	.27	-	.62	.28	.49	.30	.13	.29
Aging	6.94	8.21	.94	1.24	3.21	3.68	3.84	3.57
Labor	6.10	-	-	3.23	47.44	37.10	-	18.87
Other	-	1.69	-	-	-	.06	4.23	.49
<u>Culture & Recreation</u>	<u>2.60</u>	<u>12.92</u>	<u>11.11</u>	<u>2.42</u>	<u>2.34</u>	<u>.93</u>	<u>7.44</u>	<u>7.52</u>
Parks	.92	.22	8.38	.90	-	.58	3.73	1.71
Youth	.38	5.42	1.79	1.03	1.52	.32	2.82	5.44
Other	1.30	7.28	.94	.49	.82	.03	.89	.37
<u>Home & Community</u>	<u>4.89</u>	<u>11.00</u>	<u>5.58</u>	<u>5.63</u>	<u>10.50</u>	<u>2.65</u>	<u>3.31</u>	<u>3.91</u>
Planning	2.54	1.77	1.60	1.94	1.36	.52	1.65	1.50
Other	2.35	9.23	3.98	3.69	9.14	2.13	1.66	2.41
<u>Miscellaneous</u>	<u>69.08</u>	<u>112.46</u>	<u>71.64</u>	<u>28.24</u>	<u>19.24</u>	<u>46.98</u>	<u>62.96</u>	<u>32.07</u>

TABLE 13A

STAFFING BY DEPARTMENT: SELECTED COUNTIES, 1980

COUNTY	PUTNAM	CHEMUNG	PECONIC	OSWEGO	ST. LAWRENCE	ULSTER	NIAGARA	DUTCHESS
POPULATION	77,770	98,459	109,405	113,746	118,746	160,447	236,033	238,588
<u>TOTAL</u>	<u>411</u>	<u>565</u>	<u>811</u>	<u>809</u>	<u>602</u>	<u>1,172</u>	<u>1,223</u>	<u>1,476</u>
<u>Legislature</u>	<u>13</u>	<u>17</u>	<u>8</u>	<u>45</u>	<u>25</u>	<u>45</u>	<u>35</u>	<u>41</u>
<u>Judicial</u>	<u>13</u>	<u>17</u>	<u>51</u>	<u>5</u>	<u>14</u>	<u>30</u>	<u>34</u>	<u>50</u>
District Attorney	9	11	23	5	8	19	20	25
Legal Aid	-	6	14	-	2	7	14	21
Public Administrator	-	-	2	-	-	-	-	-
Medical Examiner	4	-	12	-	4	4	-	4
<u>Staff</u>	<u>88</u>	<u>95</u>	<u>170</u>	<u>123</u>	<u>102</u>	<u>170</u>	<u>261</u>	<u>177</u>
County Executive	4	6	7	-	-	-	3	8
Comptroller	-	-	8	8	3	4	4	11
Treasurer	11	12	10	11	7	12	17	20
Purchasing	5	1	3	-	3	9	4	6
Real Property	8	2	5	8	18	15	8	17
Clerk, Motor Vehicle	18	16	35	37	18	39	79	45
County Attorney	6	3	10	2	2	5	8	8
Civil Svc. & Personnel	8	3	10	13	4	-	16	19
Elections	6	4	8	10	4	12	17	12
Buildings & Grounds	11	36	58	23	22	8	91	-
Data Processing	9	11	16	-	14	45	-	-
Central Services	2	1	-	11	7	21	14	31
<u>Education</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Public Safety</u>	<u>58</u>	<u>115</u>	<u>149</u>	<u>130</u>	<u>103</u>	<u>152</u>	<u>209</u>	<u>237</u>
Sheriff	25	45	26	86	45	36	111	86
Police	-	-	50	-	-	-	-	-
Probation	7	33	17	33	28	23	31	39
Corrections	22	35	38	-	27	76	55	99
Criminal Justice	2	-	3	-	-	-	-	-
Fire Safety	2	-	10	8	-	15	4	10
Emergency Preparedness	-	2	5	3	3	2	8	3
<u>Health</u>	<u>94</u>	<u>55</u>	<u>184</u>	<u>149</u>	<u>62</u>	<u>203</u>	<u>213</u>	<u>380</u>
<u>Transportation</u>	<u>18</u>	<u>77</u>	<u>103</u>	<u>122</u>	<u>6</u>	<u>251</u>	<u>15</u>	<u>243</u>
Public Works	18	63	96	122	4	251	15	226
Other	-	14	7	-	2	-	-	17
<u>Economic Asst & Oppt</u>	<u>118</u>	<u>178</u>	<u>99</u>	<u>208</u>	<u>267</u>	<u>305</u>	<u>381</u>	<u>288</u>
Social Services	79	136	89	194	242	203	310	256
Veterans	7	3	2	4	2	5	3	6
Consumer Affairs	-	1	4	2	3	4	2	4
Aging	32	38	4	8	18	34	17	-
Labor	-	-	-	-	-	59	-	22
Economic Development	-	-	-	-	2	-	49	-
<u>Culture & Recreation</u>	<u>5</u>	<u>4</u>	<u>40</u>	<u>5</u>	<u>3</u>	<u>11</u>	<u>68</u>	<u>42</u>
Parks	1	-	35	1	-	8	30	8
Youth	2	2	5	4	2	3	23	11
Other	2	2	-	-	1	-	15	23
<u>Home & Community</u>	<u>4</u>	<u>7</u>	<u>7</u>	<u>22</u>	<u>17</u>	<u>5</u>	<u>7</u>	<u>18</u>
Planning	3	7	7	8	7	4	7	18
Other	1	-	-	14	10	1	-	-
<u>Miscellaneous</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>3</u>	<u>0</u>	<u>0</u>	<u>0</u>
Self Insurance	-	-	-	-	3	-	-	-

INTRODUCTION: DEMOGRAPHIC & ECONOMIC IMPACT

The separation of the five eastern towns of Suffolk County into a separate County will not achieve the goal of isolating the area from urban problems, nor will it provide financial advantages. Demographic and economic trends indicate that the reverse is likely to occur and costs of services will increase faster than the tax base that will be needed to provide the funding for the services.

The growth of housing and population will show a steady increase. However, a great proportion of the year-round population will be persons classified as senior citizens. Even though there is an expected increase in jobs in the labor force, the type of jobs that are anticipated tend to be in a low-paying and/or seasonal categories. The overall taxable base, which at the present time is heavily oriented towards the residential property, the vacant land and the farmland will continue to be a mixture of these three categories. New retail activities, industries and utilities are all likely to be located in the five western towns and yet will serve the eastern towns since the mere creation of a new County will not automatically guarantee the location of important ratables within the new County limits.

Overall Population

The current population and projections for the next decade for the eastern and western towns is shown on the accompanying page. It indicates that whether or not the eastern towns are part of Suffolk County, they will still continue to experience steady growth, since the mere separation will not create a barrier to the growth that continues to occur because of the available land. Current zoning in the east end still allows more than 1/2 million people and the rate of subdivision activity shows no sign of abating. The slowed growth in the west end as reflected in revised 1990 projections indicates that the east end will amount to almost 9% of the County population in 1990. This reverses the trend of the 1960's and early 1970's whereby the east end represented a smaller portion of the County's population in succeeding years.

The 1980 LILCO population estimates are expected to be fairly close to the Federal census figures that will be released later this year. If this is correct then the East End population will be around 106,000. The 1980 New York State population should be close to the current estimate of 17,650,000. This would mean that an assembly district in the state will comprise 117,000 people. Therefore, the 5 eastern towns would be approximately 10,000 short of the constitutional provision that a new county have the population of an assembly district.

Elderly Population

The increase in senior citizen and senior citizen households in the past nine years has been rapid and significant for the eastern towns. Residents 65 years of age and older have more than doubled while the number of households headed by this age group grew by almost 50%. The number of all households increased by only 28%.

From 1970 to 1979 the total population increased by about 24% while seniors increased by 157%.

There is no evidence that this trend will be reversed. In fact, with the current lowered birth rates, and the number of families retiring to their vacation homes, the eastern towns can expect to sustain or increase the current rate of growth in the older population.

Table 14

Changes in Elderly Population*, 1970-1979

Place	Population				Elderly Population				Total Households				Elderly Households			
					1970		1979									
	#		#		#		#									
	1970	%	1979	%	of to- tal	of to- tal	of to- tal	of to- tal	1970	%	1979	%	1970	%	1979	%
Eastern Suffolk	84,491	100.0	104,702	100.0	12,928	15.3	33,191	31.7	28,544	100.0	36,588	100.0	7,851	27.5	11,605	31.7

* Defined as 65 years of age and over

Source: U. S. Census, 1970; 1979, Suffolk County Housing Survey

Building Permits

Over the past twenty years eastern Suffolk has had fairly steady housing growth reflected by housing units authorized by building permits. Housing growth in eastern Suffolk ranges from a high of 3.5% in 1964 to a low of 1.6% in 1974 and 1979. Eastern Suffolk's housing growth was substantially slower than western Suffolk during the 1960's and early 1970's. In 1976 eastern Suffolk surpassed the west in the percentage growth of housing units and has since remained at a higher level. During the 1970's building permit issuance has averaged 1,165 units in eastern Suffolk and 7,569 units in western Suffolk.

Table 15

POPULATION SUMMARY, SUFFOLK COUNTY, 1970-1990

Place	U.S. Census 1970	Change, 1970 to 1980		LILCO Estimate 1980	Change, 1980 to 1990		LIRPB Pro- jection 1990	Saturation*
		#	%		#	%		
Eastern Towns	84,491	21,747	25.7	106,238	24,762	23.3	131,000	591,983
% of Suffolk County	7.5	-	-	7.9	-	-	8.7	23.9
East Hampton	10,980	4,618	42.1	15,598	4,402	28.2	20,000	92,366
Riverhead	18,909	2,884	15.3	21,793	4,207	19.3	26,000	207,203
Shelter Island	1,644	502	30.5	2,146	854	39.8	3,000	16,983
Southampton	36,154	10,433	28.9	46,587	11,413	24.5	58,000	202,510
Southold	16,804	3,310	19.7	20,114	3,886	19.3	24,000	72,921
Western Towns	1,042,539	188,670	18.1	1,231,209	135,791	1.2	1,367,000	1,882,257
% of Suffolk County	92.5	-	-	92.1	-	-	91.3	76.1
Babylon	203,570	16,252	8.0	219,822	12,178	5.5	232,000	246,194
Brookhaven	245,260	111,626	45.5	356,886	78,114	21.9	435,000	820,709
Huntington	200,172	17,611	8.8	217,783	17,217	7.9	235,000	251,192
Islip	278,880	33,535	12.0	312,415	22,585	7.2	335,000	410,633
Smithtown	114,657	9,646	8.4	124,303	5,697	4.6	130,000	153,529
Suffolk County	1,127,030	210,417	18.7	1,337,447	160,553	12.0	1,498,000	2,474,240
%	100.0	-	-	100.0	-	-	100.0	100.0

*NSRPB 208 WASTE TREATMENT MANAGEMENT STUDY, POPULATION ESTIMATES AND PROJECTIONS.

Labor Force & Employment. Job growth is expected in the five eastern towns. However, it will be concentrated in tourist-related services, retail trade and agriculture which are seasonal and low-paying sectors.

1. Labor Force

Between 1980 and 1990, labor force participation rates are likely to rise throughout Suffolk County as more women enter the civilian labor force. For the most part, increased labor force participation by women is based on economic need. It is projected that in the eastern towns, the labor force participation rate will rise from the present 47.2% to 50.0% by the year 1990. Given the projected population increase of 23.3% in the five eastern towns, the employed labor force of the eastern towns is expected to increase by 15% between 1980 and 1990. This compares with an increase of 50.0% between 1970 and 1979 and 36.3% between 1960 and 1970. The projected slowdown in the growth of the employed labor force in the eastern towns reflects the projected slowdown of jobs throughout Suffolk as the economy matures. It is anticipated that there will be more job seekers than available jobs in eastern Suffolk during the 1980-90 period. As a result, the rate of unemployment in eastern Suffolk will rise from the present 9.3% to 12.8% in 1990. However, unemployment rates in Southampton and East Hampton, which currently exceed 10%, are likely to exceed the average for the eastern towns.

Table 16
Labor Force, Employment and Unemployment Estimates, 1990
Eastern vs. Western Suffolk

	Civilian Labor Force				Employed Labor Force				Unemployment Rates			
	1960	1970	1979	1990 (Proj.)	1960	1970	1979	1990 (Proj.)	1960	1970	1979	1990 (Proj.)
Eastern												
Suffolk	25,317	32,407	50,100	60,000	22,248	30,330	45,500	52,325	6.1	5.3	9.3	12.8
Western												
Suffolk	201,826	375,152	578,000	669,830	193,188	361,642	543,500	625,025	3.9	3.4	6.0	6.7
Total,												
Suffolk	227,143	407,559	628,100	729,830	215,436	391,972	589,000	677,350	4.2	3.6	6.2	7.2

The projections anticipate a gain of 6,825 in the number of employed persons residing in the eastern towns. This includes both full-time and part-time employment. It also includes those employed year-round and those employed on a seasonal basis. The economic and fiscal viability of proposed Peconic County will depend in part on the industry composition of employment available to residents of the eastern towns. It will also be influenced by the mix of part-time, full-time and seasonal employment.

2. The Employment Mix

In 1970, 85.2% of employed eastern Suffolk residents worked in the eastern towns; 8.1% worked in one of the western towns and 2.5% commuted to Nassau County. Given the relatively slow growth in the size of the employed labor force since 1970, these patterns are likely to apply today as well.

Table 17
Place of Employment, Eastern Suffolk Residents, 1970
by Town

<u>Town of Residence</u>	<u>Eastern Suffolk</u>	<u>Western Suffolk</u>	<u>Nassau</u>	<u>Elsewhere*</u>	<u>Total</u>
Riverhead	5,232	979	194	80	6,485
Southold	4,925	344	109	207	5,585
Shelter Island	569	14	0	45	628
Southampton	9,987	914	383	605	11,889
East Hampton	3,531	57	31	240	3,859
Total Eastern Suffolk	24,244	2,308	717	1,177	28,446
% Distribution	85.2%	8.1%	2.5%	4.2%	100.0%

*Includes part-time commuters to New York City

Note: Not all employed residents reported their place of work in 1970

Source: LIRPB based on Census Data

At first glance, it appears that eastern Suffolk residents are relatively self-sufficient in terms of their ability to provide jobs for their own residents. However, the industry composition of employment in the eastern towns is heavily skewed toward seasonal and part-time employment. In 1970, 21.3% of the residents of eastern Suffolk were employed in trade, primarily retail trade, and 32.2% were employed in services. These industry groups include eating and drinking places (restaurants), hotels, motels and personal services which are associated with the tourist industry in eastern Suffolk. Not only do these industries employ seasonal and part-time workers but they also pay relatively low wages. The same can also be said for agriculture which is also relatively important to the economy of the eastern towns. In 1974, for example, the eastern towns accounted for an estimated \$47,497,000 in agricultural sales. This was equivalent to 70% of total agricultural sales in Suffolk.

Table 18

Industry of Employment, 1970
Eastern vs. Western Suffolk Residents

<u>Town of Residence</u>	<u>Construction</u>	<u>Manufacturing</u>	<u>Transportation, Communications, Utilities</u>	<u>Trade</u>	<u>Services</u>	<u>Public Administration</u>	<u>Other*</u>	<u>Total</u>
Riverhead	626	885	577	1,494	1,917	566	783	6,848
Southold	573	672	342	1,244	1,762	569	784	5,946
Southampton	1,290	1,332	791	2,829	4,342	850	1,194	12,628
Shelter Island	100	33	62	73	287	41	53	649
East Hampton	531	368	193	761	1,383	270	488	3,994
Eastern Suffolk	3,120	3,290	1,965	6,401	9,691	2,296	3,302	30,065
% Distribution	10.4%	10.9%	6.5%	21.3%	32.2%	7.6%	11.1%	100.0%
Western Suffolk	25,772	81,394	31,635	73,301	103,807	20,406	22,604	358,919
% Distribution	7.2%	22.7%	8.8%	20.4%	28.9%	5.7%	6.3%	100.0%
Total Suffolk	28,892	84,684	33,600	79,702	113,498	22,702	25,906	388,984
% Distribution	7.4%	21.8%	8.6%	20.5%	29.2%	5.8%	6.7%	100.0%

*Includes agriculture, forestry, fisheries

Source: LIRPB based on census data

Table 19
Market Value of Agricultural Products Sold, 1974

Eastern vs. Western Suffolk
(\$000)

<u>Type of Product</u>	<u>Eastern</u>	<u>Western</u>	<u>Total</u>
Crops & Hay	\$27,998	\$ 3,111	\$31,109
Nursery & Greenhouse	4,394	17,578	21,972
Livestock	1,284	0	1,284
Poultry	13,821	0	13,821
Total	\$47,497	\$20,689	\$68,190

Source: LIRPB based on Census data;
allocation between eastern & western
towns estimated by LIRPB

In light of the above statistics, the fact that most eastern Suffolk residents are employed in the eastern towns is a negative rather than a positive factor in terms of the economic and fiscal stability of the eastern towns. In 1970, for example, only 10.9% of eastern Suffolk residents were employed in manufacturing, a relatively high paying occupation. This is because eastern Suffolk has relatively little industry and is unlikely to generate substantial industrial growth.

In light of this information two conclusions can be made. Firstly, should Peconic County be formed, eastern Suffolk would lose the tax benefits of western Suffolk's strong industrial base. Secondly, eastern Suffolk has little hope of establishing a substantial industrial base in the foreseeable future. (See industrially-zoned land).

In a recent Long Island Regional Planning Board study an inventory of all industrially zoned land was done. Western Suffolk has slightly more industrially zoned land than eastern Suffolk and it is much more intensively developed, providing a strong tax and job base. Almost all new industrial construction is in western Suffolk. Since there are vast amounts of industrially zoned lands available at prime locations in western Suffolk, such as Route 110, Long Island Expressway and Veterans Memorial Highway, extensive industrial development in eastern Suffolk seems unlikely in the foreseeable future.

Eastern Suffolk uses about 5% of its industrially zoned land for industry compared to over 25% for western Suffolk. Most of eastern Suffolk's industrially used land is occupied by sand mines, concrete and asphalt plants, duck farms, Northville oil terminal and Grumman. Most of these uses do not have much in the way of capital improvements and therefore would not contribute as much as more intensive industries, such as those in western Suffolk.

Several conclusions can be reached by examining a chart on assessed valuation by property and broad land use class for Suffolk County towns. With the exception of Riverhead a very small percentage of assessed valuation is contributed by industry in eastern Suffolk.

Utilities contribute a large percentage of assessed valuation in Brookhaven and Huntington, the two towns having LILCO power plants. If Peconic County were formed, it would lose the tax benefits from the LILCO plants including the new Shoreham Plant. This loss may be offset by a new power plant planned in Jamesport. In the event of a separation, western Suffolk would lose the high percentage of assessment contributed by farms and vacant land in eastern Suffolk.

Moreover, eastern Suffolk has relatively few major shopping malls which account for a large share of retail sales in the County. In 1977, the Census Bureau identified sixteen major shopping malls in Suffolk County. Fifteen of these malls, with aggregate 1977 sales of \$874,429,000 were located in western Suffolk. The remaining mall, Riverhead Plaza, had aggregate 1977 sales of \$28,449,000 and was located in the Town of Riverhead. Therefore, in 1977, eastern Suffolk accounted for only 3.2% of sales by major Suffolk shopping malls. We anticipate that one more regional mall, which is considered by real estate experts to be Long Island's last retail mall in the next decade, will be constructed in the Yaphank-Ridge area in Brookhaven Town to serve eastern Brookhaven and the five eastern towns.

Table 20
Sales of Major Shopping Malls, 1977

Eastern vs. Western Suffolk

Western Suffolk

<u>Mall</u>	<u>Census Designation</u>	<u>Town</u>	<u>Sales (\$000)</u>
Modell's Plaza	2	Brookhaven	\$ 25,803
Great South Bay Mall	4	Babylon	101,897
Sun-Vet Mall	10	Islip	31,627
College Plaza	11	Brookhaven	21,755
Branch Shopping Center	13	Smithtown	59,347
Coram Plaza	14	Brookhaven	35,598
Point Plaza	19	Brookhaven	22,343
Huntington Center	20	Huntington	30,123
Walt Whitman Mall	22	Huntington	122,946
Commack Plaza	23	Smithtown	71,275
Mayfair Shopping Center	24	Smithtown	58,218
South Shore Mall	25	Islip	70,176
Woolco Shopping Center	26	Brookhaven	22,346
Brooktown Plaza	27	Brookhaven	20,676
Smithhaven Mall	31	Smithtown-Brookhaven	180,299
			<u>874,429</u>

Eastern Suffolk

Riverhead Plaza	21	Riverhead	28,449
Total Suffolk			\$902,878
% Eastern Suffolk			3.2%

Source: LIRPB based on census data

Tourism

Tourism provides one of the major sources of employment in eastern Suffolk. About two-thirds of all the Suffolk County motels, hotels and other leisure time accommodation are located in the east. However, only a third of these establishments provide full-time employment opportunities with year-round operations. The larger proportion are resort facilities operating only in the summer months, and many of these hire help from outside the area.

Salaries for workers employed by hotels and motels are traditionally low, particularly in resort areas where part of the compensation may be room and board. Only managerial jobs and entrepreneurial opportunities generated by the tourism industry appear to offer opportunities for higher paying salaries. (See attached Tables).

3. Conclusions: Labor Force v. Employment

Unless the employment base of the eastern towns changes radically between 1980 and 1990, an unlikely possibility, residents of the eastern towns will continue to be employed in seasonal industries and part-time jobs associated with agriculture and tourism. Many of these jobs pay salaries which are at or near Federal minimum wage levels. Given the likelihood of further inflation, it is anticipated that there will be a substantial increase in the number of eastern Suffolk families and individuals with incomes below federally-defined poverty levels. Although eastern Suffolk residents do have the option of commuting to jobs in western Suffolk, the cost of such commutation is high and eastern Suffolk residents would also have to compete with western Suffolk residents for those jobs. Western Suffolk residents would be better able to compete for these jobs by virtue of their proximity to major job concentrations and their ability to obtain jobs "at the plant gate".

Table 21

TOURISM - SUFFOLK COUNTY, 1977

<u>Category of Business</u>	<u>No. of Establishments</u>	<u>Annual Receipts* (\$1,000)</u>	<u>Annual Payroll (\$1,000)</u>	<u>No. of Paid Employees (week of 3/12)</u>
Hotels, Motels, Trailering Parks and Camps	206	27,294	6,826	921
Amusements and Recreation Services including Motion Pictures	879	80,795	19,027	2,813
Eating and Drinking Places	1,944	289,655	72,190	15,974
Total, Tourist Related Businesses	3,029	397,744	98,043	19,708

* Includes establishments with and without payrolls

Source: U. S. Census Bureau Retail and Service Industries Surveys, 1977

Table 22

MOTELS, HOTELS, CABINS, AND COMMERCIAL CAMP SITES
SUFFOLK COUNTY
January 15, 1980

Place	No. of Active Estab- lishments	% of County Total	No. of Units*	No. of County Total	Year-Round Units		Seasonal Units		No. of Establishments Not In Operation
					No.	% of County Total	No.	% of County Total	
Eastern Towns	284	76.3	8,159	66.9	2,820	43.3	5,339	88.3	22
East Hampton	114		3,350		917		2,433		7
Riverhead	12		600		582		18		1
Shelter Island	12		328		0		328		2
Southampton	112		2,921		1,187		1,734		8
Southold	34		960		134		826		4
Western Towns	88	23.7	4,043	33.1	3,690	56.7	709	11.7	4
Babylon	17		550		526		24		0
Brookhaven	34		1,329		860		469		1
Huntington	8		356		712		0		0
Islip	29		1,533		1,317		216		3
Smithtown	6		275		275		0		0
Suffolk County	372	100.0	12,202	100.0	6,510		6,048	100.0	26

* Derived from capacity, estimated to be
2 persons per unit

Source: S. C. Health Department

Income Characteristics

Based on the 1970 Census and recent updates as shown on the accompanying tables, the eastern towns have greater numbers of people whose incomes are not adequate to meet normal expenses and who, therefore, would be eligible for some form of governmental assistance.

Median family incomes for the eastern towns in 1970 ranged from \$1,400 to \$2,400 less than the Suffolk County's median of \$12,084. A recent telephone survey indicated an even greater disparity between the two figures for 1978 - - \$16,576 for the east as compared to \$22,755 for the County.

Almost a third of all households are at or beyond retirement age compared to just over a tenth of household county-wide. Most of these households are operating on fixed incomes which will not accommodate increased costs for living expenses or additional taxes and might require assistance for food, shelter or medical costs.

In 1970, 10% of all the east end population was at or below poverty level compared to 5.4% in the western towns and 5.7% in the present County. Consequently, the proportion of population eligibility for social services would be double for an eastern jurisdiction, according to the 1970 figures, while a new western entity would have a slight decrease. For the first quarter of 1980, the local share for 1,261 public assistance cases in the eastern towns amounted to about \$2.1 million. Eastern beneficiaries for Medicaid represent roughly 8 to 9% of total case load in Suffolk, but no accurate estimates are available for area costs.

Present forecasts do not indicate future conditions will enhance incomes. It appears that there will continue to be a significant need for various forms of assistance.

Table 23

SUMMARY,
INCOME CHARACTERISTICS, 1970
SUFFOLK COUNTY

	<u>Per Capita Income</u>	<u>% of Population Below Poverty Level</u>	<u>% of Minority Population Below Poverty Level</u>	<u>% of Families Eligible For Housing Assistance</u>
Eastern Towns	\$3,523	9.7	23.8	56.1
Western Towns	3,353	5.4	16.4	38.5
Suffolk County	3,365	5.7	17.3	40.0

Table 24

MEDIAN FAMILY INCOME
1969 and 1978

<u>Place</u>	<u>1969</u>	<u>1978</u>
Eastern Towns		
East Hampton	NA	16,576
Riverhead	10,194	NA
Shelter Island	9,644	NA
Southampton	10,690	NA
Southold	9,877	NA
	9,949	NA
Central (Brookhaven)	11,143	23,688
Western Towns		
Babylon	NA	25,585
Huntington	11,748	NA
Islip	14,934	NA
Smithtown	11,804	NA
	13,845	NA
Suffolk County	12,084	22,755

Source: U.S. Census 1970
Telephone Survey, Suffolk County Housing Study, 1980

Table 25

MEDICAL AND SOCIAL ASSISTANCE - EAST END

Place	Active Cases, March 1980	Public Assistance Cost to Suffolk County 1st Quarter 1980	No. of Beneficiaries			Medicaid Cost, 1979 (000)
			Medicaid, (2) 2 - 80	SSI, 6 - 77	Medicaid/SSI Combined	
East Hampton	127		75	NA	NA	
Overhead	527		2,108	NA	NA	
Walter Island	3		14	NA	NA	
Southampton	453		1,184	NA	NA	
Southold	151		662	NA	NA	
Total, East End	1,261	\$ 2,072,427 (1)	4,043	1,358	5,401	NA (4)
Suffolk County	14,570	\$23,821,000	51,007	12,000 (3)	63,007	\$25,000
East End as proportion of Suffolk County	8.7	8.7	7.9	11.3	8.6	

(1) Prorated from proportion of total cases

(2) Medicaid includes Public Assistance cases

(3) Estimate from S.C. Social Services Department

(4) S.C. Social Services advised that a prorated estimate would not be valid since the cost to Suffolk County includes institutions located in Western Suffolk, and other factors

LEGAL IMPLICATIONS IN PROPOSAL TO FORM PECONIC COUNTYINTRODUCTION

This portion of the Report will deal with the legal implications which must necessarily be considered should Peconic County be formed. In treating this aspect, we have addressed the provisions of the current bill (S. 8887/A. 10984), a copy of which is appended to this statement.

THE NATURE OF THE PROPOSED LEGISLATION

This bill, introduced into the New York Assembly by Assemblyman Behan of Montauk, proposes to enact a "uniform procedure for the creation of counties" such as the Legislature has done for the creation of villages, towns and cities. It proposes to introduce order into an area of the law which is presently uncertain and the subject of much disagreement.

The process proposed is first to set out certain minimum area requirements (at least 300 square miles consisting of at least five existing towns, all located within one existing county, and contiguous). The population requirement is that the population of the proposed county territory be at least sufficient to entitle it to an assemblyman (as required by the New York State Constitution, Article 3, Section 5).

The formation process begins with a petition and the law sets forth strict requirements as to its content, signature and authentication. The petition is to be filed with the County Legislature, together with a required fee of \$500.00. The Clerk of the Legislature then must publish a notice of a public hearing on the petition and a public hearing must be held to consider the legal sufficiency of the petition and any objections thereto. Time limits are imposed for the completion of these steps.

After the County Legislature has held its public hearing, it must determine whether the petition met the requirements of the law and if that decision is adverse to the petition, it must set forth the reasons on which its decision was based. An adverse decision is reviewable by the courts in an "Article 78" proceeding which must be commenced within 30 days of the filing of the decision, and such a proceeding is accorded preference over all other civil actions and proceedings. If the County Legislature's decision is adverse, no new petition may be filed for one year.

The next step is a mandatory referendum to be conducted among the qualified voters in the territory proposed to form the new county; and if the vote is affirmative, the county is created.

The law then goes on to provide for the election of county officers. The legislative body is to be a Board of Supervisors, composed of the supervisors of the towns which are wholly located in the new county. If a town is partially located in the new county, the residents of that town who are located within the new county elect a "county representative" who shall sit on the Board of Supervisors. Voting by the Board is required to be done under a "weighted-vote" system.

The County Law shall govern the operation of the new county government until a legally permissible alternative form of government is chosen. County officers are elected at the same general election at which the referendum is voted upon.

Provisions are set forth for the division of property, assumption of liabilities and custody of records. These are to be accomplished by agreement of the two county legislatures and if they fail to agree, the matter is to be submitted to the state Supreme Court.

Properties may be jointly owned by the counties and also may be leased to one another.

The foregoing is not intended to be a full treatment of the subject matter of the bill, but rather an overview. A copy of the bill is attached for more detailed study.

SOME PROBLEMS AND QUESTIONS

The following reflect areas of concern which have been identified and researched. It is not intended that this be either an exhaustive list of all questions, nor is it intended to be the "last word" in answers.

1. Division of Indebtedness. The bill provides that "the proportion of liabilities which shall be assumed by the new county shall be determined according to the relative assessed valuation of the real property excluding the exempt property, in each respective county." Thus, division of indebtedness is a function of assessed value. But the questions arise: Assessed value for what year? How to consider the impact of towns which have "full-value" assessment vis-a-vis towns which have fractional value assessment? Is assessed value a fair indicator of real, present, fair-market value so as to lead to a fair division of debt? What would be the effect upon the

other county if one county failed or refused to pay its allotted portion of the indebtedness? Suppose one county became bankrupt (a not unrealistic consideration in the light of the recent past in other municipalities in the nation)?

2. Division of Real Property. The bill provides simply that county property shall be owned by the county in which it is located. In the present case, the greater part of court facilities are located in what would become Peconic County and the only jail is located there as well. Would Peconic County have need of these facilities? The answer to questions of this type appears to lie in the concept of joint ownership or leasing, for which the bill's draftsman provided. A formula is provided for the valuation of the real property, but, again, the question arises as to what the effect of a "full-value" jurisdiction might have upon others. Also, what would result if the two counties could not agree upon a suitable joint ownership or lease agreement?

3. Employment Questions. The bill does not address this area of concern but other state legislation does. The Public Officers Law, for example, provides that some officers must be residents of the municipality in which they serve. This law does not set forth any comprehensive definition of the officials it is meant to include, but court decisions over the years have given some scope to the term. In the case of formation of a Peconic County, it is clear that employees on both sides of the projected boundary would become unemployed. Examples of officers found to be affected by this law are sheriffs and their deputies, district attorneys and their assistants, county attorneys and their assistants and, arguably, department heads and deputies.

The law is silent on the effect of formation of the new county on Civil Service employees, either as to their rights and status under the law, or as to responsibility under existing collective bargaining agreements. The law does not provide any rule or guide for transfer of Civil Service employees.

4. Ultimate Decision of Legal Questions. The law provides for time schedules for completion of most of the tasks it envisions. There is no such time limit, however, upon the judicial determination of the court-reviewable questions, and this is quite understandable. But the deficiency perceived here is that the law does not provide guidelines for government to continue while the questions remain unanswered. Some of the more crucial questions center upon the continuance of "county government" while awaiting decisions as, for example: where to file papers, where papers may or must be recorded, how to fill vacancies in offices where the offices have not yet been filled, providing of mandated services, etc. Consideration might be

given to providing in the legislation for the carrying on of legally mandated services and activities in the new county if litigation between the old and new counties encumbers their performance. Examples of this would be the functions of the Sheriff, the District Attorney, County Clerk, Public Health Department, and Social Services Department.

5. "Start-Up Time." The time between Election Day and the following January first is given to organize the new County's government. The question is whether a period less than two months long is sufficient time to accomplish the work which the bill dictates be done.

6. Existing and Future Contracts. The bill provides no guidance for what might be done with respect to existing contracts for services or sale of goods in Suffolk County. Likewise, how would federal and state grants and revenue-sharing arrangements be affected? What might the impact be upon bonded indebtedness and the ability of each of the resultant counties to borrow money?

7. County Seat. If a Peconic County were to be formed as a result of this bill becoming law, two new county seats would have to be designated. Peconic County would need one and, since Riverhead would be located outside of what would then be Suffolk County, it would have to choose one also.

CONCLUSION

The attempt here has been to briefly describe the present bill and then to set out some of the legal considerations which would be involved in a division of Suffolk County into two separate counties. The answers are not found in the bill itself and case law is of little assistance because counties have not been formed in New York in recent years. The last county to be formed was Bronx County in 1914. Since it was a part of the City of New York and, thus, part of an ongoing government, few of the questions and problems faced by the formation of a Peconic County were addressed. The concerns of the 1980's are much different, we submit, from those of the 1850's and 1890's when other counties were formed.

The County Attorney's office will continue researching the questions raised and report any amendments to the law or decisions of the courts which provide guidance in this complex area, for the purpose of having the legal answers ready if the day arrives when they are needed.

STATE OF NEW YORK

5.8887

10986
Local Govts
3/25

IN ASSEMBLY

March 25, 1980

Introduced by M. of A. BEHAN—read once and referred to the Committee on Local Governments

AN ACT to amend the county law, in relation to the creation of new counties

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Legislative findings. It is hereby found by the legisla-
2 ture, that under section one of article nine of the state constitution,
3 the state legislature is charged with the responsibility for the crea-
4 tion of all local governments in the state of New York. The legislature
5 also finds that with its past enactments, uniform procedures have been
6 enacted by it for the creation of villages, towns and cities. However,
7 no uniform procedure exists in the law for the creation of new counties.
8 Rather, new counties have been enacted during the history of New York
9 state by special acts of the legislature in a haphazard manner with no
10 continuity or uniformity of procedures. Because of the historical
11 development of the creation of new counties, a great deal of uncer-
12 tainty, disagreement, and controversy now exists over the legal require-
13 ments that must be met to create a new county. As a result, the legisla-
14 ture hereby declares the need for a uniform set of procedures to govern
15 the creation of new counties.

16 The legislature also finds that the proliferation of new counties
17 would destroy the generally recognized function of counties and also un-
18 dermine the structure of local government in New York state. Therefore,
19 it is necessary that stringent criteria be required concerning the mini-
20 mum qualifications for creating a new county. The legislature finds that
21 any new county must possess sufficient population and land area as well
22 as be contiguous and consist of a minimum number of smaller political
23 subdivisions. Further, the creation of a new county should be subject to
24 stringent petition and public hearing requirements to insure that the
25 residents of the proposed new county understand the ramifications resul-
26 ting from the creation of a new county. The need for a referendum on the

EXPLANATION—Matter in *italics* (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD04334382

1 creation of a new county in the territory which would become the new
2 county is also found to be necessary to insure that those residents most
3 directly affected do not have a new political subdivision unwillingly
4 imposed upon them.

5 Finally, the legislature also finds it necessary to provide for an or-
6 derly transition where a new county is formed by providing procedures
7 for the division or joint use of existing county property and facilities
8 and the division of indebtedness attached to such property or
9 facilities.

10 The legislature, with the enactment of this article for a uniform
11 procedure for the creation of counties, ensures against the unnecessary
12 and unwanted proliferation of counties, and protects the home rule right
13 of self determination guaranteed by the state constitution.

14 § 2. The county law is amended by adding a new article one-A to read
15 as follows:

16 ARTICLE 1-A
17 CREATION OF COUNTIES

18 Section 10. Population and area requirements.

- 19 11. Petition for creation.
20 12. Notice of hearing.
21 13. Public hearing.
22 14. Decision of county legislative body.
23 15. Review of decision.
24 16. Referendum.
25 17. Election of county officers.
26 18. Effective date of creation.
27 19. County law applicable.
28 20. Division of personal property, real property, indebtedness
29 and records.
30 21. Joint owned property and facilities.
31 22. Lease of property and facilities.
32 23. Severability.
33 24. Applicability.

34 § 10. Population and area requirements. A territory containing a popu-
35 lation sufficient to entitle it to an assemblyman under state and fed-
36 eral constitutions may become a county under this article provided such
37 territory:

- 38 1. consists of at least five existing towns;
39 2. possesses at least three hundred square miles;
40 3. is located completely within one existing county; and
41 4. is contiguous.

42 § 11. Petition for creation. A proceeding for the creation of a new
43 county shall commence with a petition. The requirements for a petition
44 are as follows:

45 1. Petitioners. Such petition shall be subscribed and acknowledged by
46 electors of the territory of the proposed new county qualified to vote
47 for county officers, in a number equal to at least ten per cent of the
48 total votes cast for governor in said territory at the last general
49 election held for the election of state officers.

50 2. Contents of petition. The petition shall contain the following
51 information:

- 52 a. A description of the boundaries of the proposed county sufficient
53 to identify the territory with common certainty.
54 b. A map or survey showing the boundaries of the new county.
55 c. The proposed county seat.

- 1 d. The name of the proposed county.
 2 e. An allegation that the territory contains a population sufficient
 3 to entitle it to an assemblyman under the state and federal
 4 constitutions.
 5 f. An allegation that the territory consists of at least five towns in
 6 addition to any city within its boundaries.
 7 g. An allegation that the towns and any cities within the territory
 8 possess at least three hundred square miles.
 9 h. An allegation that the territory is contiguous.
 10 i. An allegation that the territory is completely located within one
 11 existing county.
 12 j. A designation of at least one but no more than three persons, giv-
 13 ing full names and addresses, on whom and at which addresses all papers
 14 required to be served in connection with the proceeding for creation,
 15 shall be served. A majority of such designees must reside in such
 16 territory.
 17 k. A statement of all general fund indebtedness of the county from
 18 which the new county would be created.
 19 l. The reasons for the creation of the new county.
 20 m. Each page of the petition shall be securely fastened together.
 21 3. Execution of petition. a. The signatures to a petition shall be
 22 subscribed on separate pages following the contents of the petition.
 23 b. Each signature page shall be prefaced by a statement indicating the
 24 petitioners' familiarity with the contents and purposes thereof and the
 25 boundaries of the territory sought to be erected into a new county.
 26 c. Following each signature there shall be set forth, not necessarily
 27 by the signer, the signer's address consisting of street name and num-
 28 ber, if any, and town.
 29 d. There shall be set forth at the bottom of each page of signatures
 30 an authenticating affidavit of a witness to the signing thereof which
 31 shall be substantially in the following form:
 32 STATE OF NEW YORK
 33 COUNTY OF _____ ss.:

34 being duly sworn,
 35 (name of witness)
 36 says:
 37 I reside at _____ in the
 38 (street name and number)
 39 of _____
 40 (town, city or village) (name of municipality)
 41 in the State of New York:
 42 I know each of the persons whose names are subscribed to the
 43 above sheet having _____ signatures; and each
 44 (number)
 45 of them subscribed the same in my presence.
 46

1 (signature of witness)

2 Sworn to before me

3 This day of
 4 (day) (month) (year)

5
 6 (official title of officer)

7 4. Filing and deposit. a. Filing. The original petition shall be filed with
 8 the clerk of the county legislature or board of supervisors as the case may be
 9 not less than one hundred twenty days preceding a general election.

10 b. Deposit. At the time of filing of the petition there shall be deposited
 11 with the clerk of the county legislature or board of supervisors, as the case
 12 may be, five hundred dollars to pay the cost of posting, publishing and serv-
 13 ing required notices, stenographic services and services of inspectors of
 14 election in the event creation of a new county is not effected.

15 § 12. Notice of hearing. Within twenty days after the filing of such peti-
 16 tion, the clerk of the county legislature or board of supervisors as the case
 17 may be, shall cause to be posted in each town hall in the existing county and
 18 also to be published at least twice in a newspaper of general circulation in
 19 such county, a notice that a petition for the creation of a new county has
 20 been received, and that at the county seat of such county on a day not less
 21 than twenty nor more than thirty days after the date of the posting and first
 22 publication of such notice, which date and place shall be specified therein, a
 23 hearing will be had on such petition; that such petition will be available for
 24 inspection in the office of the clerk of the county legislature or board of
 25 supervisors, as the case may be, until the date of the hearing, that the pur-
 26 pose of such hearing is to consider the legal sufficiency of the petition;
 27 that objections to the legal sufficiency of the petition must be in writing
 28 and signed by one or more residents of the existing county, and that any group
 29 of persons having one or more objections in common may make designation in
 30 writing and signed by them of at least one but no more than three persons giv-
 31 ing the full names and addresses on whom and at which addresses all papers
 32 required to be served in connection with the proceeding for creating a new
 33 county shall be served.

34 § 13. Public hearing. 1. The county legislature or board of supervisors,
 35 as the case may be, shall meet at the time and place specified in the notice
 36 and shall hear objections which may be presented as to the legal sufficiency
 37 of the petition for creation of a new county based upon any of the following
 38 grounds:

39 a. That a person signing such petition was not qualified therefor,
 40 b. That the territory does not contain sufficient population or land area
 41 to become a county,
 42 c. That the territory does not consist of at least five towns, or
 43 d. That the petition in any other specified respect does not conform to the
 44 requirements of this article.

45 2. The presiding officer of the county legislature or chairman of the board
 46 of supervisors, as the case may be, shall conduct the hearings.

47 3. All objections must be in writing and signed by one or more residents of
 48 the existing county. Testimony as to objections may be taken at the hearing

1 which shall be reduced to writing and subscribed by those testifying. The
2 burden of proof shall be on the objectors. All written objections and signed
3 testimony shall clearly state the name and address of the objector.

4 4. The hearing may be adjourned but must be concluded within twenty days
5 from the date fixed in the notice of hearing.

6 § 14. Decision of county legislative body. 1. Within ten days after such
7 hearing is concluded the county legislature or board of supervisors, as the
8 case may be, shall determine by a majority vote whether the petition complies
9 with the requirements of this article and shall sign such decision
10 accordingly. If a tie vote occurs, the decision shall be deemed to be adverse
11 to the petition. If the decision be adverse to the petition, the decision
12 shall contain a brief statement of the reasons on which an adverse decision is
13 based.

14 2. The original of the decision, copies of the notice of hearing together
15 with affidavits of posting and publishing same, the written objections and the
16 minutes of proceedings taken on the hearing including signed testimony shall
17 be filed by the county legislative body within fifteen days after the hearing
18 is concluded with the clerk of the county legislative body.

19 3. If no proceeding be instituted to review such decision within thirty
20 days after such filing of the original copy, the decision shall be final and
21 conclusive. In the event that the decision is adverse to the petition, a new
22 proceeding to create a new county may not be commenced for one year.

23 § 15. Review of decision. 1. The decision of the county legislative body
24 shall be subject to judicial review in the manner provided in article seventy-
25 eight of the civil practice law and rules. Such proceeding may be brought on
26 the ground or grounds that said decision is illegal, based on insufficient
27 evidence, or contrary to the weight of the evidence. If the court determines
28 that additional testimony or evidence is necessary for proper disposition of
29 the matter it may take such evidence or testimony or appoint a referee to take
30 such evidence or testimony as it may direct or report the same to the court
31 with his findings of fact and conclusions of law which shall constitute a part
32 of the proceeding upon which the determination of the court shall be made.
33 The court may reverse or affirm on the basis of law and fact as determined by
34 the court.

35 2. Such proceeding must be initiated within thirty days after the filing of
36 the original copy of the decision as required by section fourteen of this
37 article.

38 3. The proceeding may only be instituted by a resident of the existing
39 county out of which a new county is sought to be created.

40 4. In addition to the requirements of said article seventy-eight of the
41 civil practice law and rules:

42 a. Notice of such a proceeding shall be given to the clerk of the county
43 legislative body.

44 b. If the proceeding be brought to review a decision adverse to the peti-
45 tion, copies of all papers in connection therewith shall be served on persons
46 designated by objectors to the petition by section twelve of this article and
47 on all other objectors who had made no such designations and whose objections
48 were submitted in writing and signed. Service shall be sufficient if made
49 either personally or by certified mail with a return receipt.

50 c. If the proceeding be brought to review a decision sustaining a petition,
51 copies of all papers in connection therewith shall be served on all persons
52 designated in the petition to receive same.

53 d. All persons served pursuant to paragraphs b and c of this subdivision
54 shall be parties to such proceeding under said article seventy-eight of the
55 civil practice law and rules.

1 all issues in any proceeding hereunder shall have preference over all
2 other civil actions and proceedings.

3 5. The successful party to any such proceeding shall file a certified copy
4 of the decision and order in the office of the clerk of the county legislative
5 body.

6 § 16. Referendum. 1. A referendum to determine the creation of a new
7 county shall be held at the next general election after the first occurring of
8 either of the following events:

9 a. The expiration of thirty days from the filing of the original of a deci-
10 sion sustaining the legal sufficiency of the petition and no proceeding having
11 been instituted to review the same, or

12 b. The filing of a final order sustaining the petition after such a
13 proceeding to review.

14 2. The referendum shall be submitted to the qualified electors of the ter-
15 ritory proposed to be erected into the new county.

16 3. The form of the proposition and the certificate thereof shall be in the
17 manner provided in the election law.

18 4. All provisions of the election law not inconsistent with this chapter
19 shall apply to the submission of this referendum.

20 5. If a majority of the votes cast on such referendum be in the affirmative,
21 the referendum shall be adopted and the new county shall be created.

22 § 17. Election of county officers. 1. Board of supervisors. As provided un-
23 der the county law, the board of supervisors, one from each town comprising
24 the county, shall be the legislative body of the new county. The vote of the
25 supervisors shall be weighted, according to population, so as to insure equal
26 representation of the residents of the county. If the referendum for creating
27 a new county is held at a general election when the biennial town elections
28 are also held, the town supervisors elected at that election shall also become
29 the members of the county legislative body, if the referendum is approved by
30 the voters. If the voters approve such a referendum at a general election
31 other than one when the biennial town elections are held, the town supervisors
32 in office at the time of the new county's creation shall become the county
33 legislative body.

34 2. County representative. Where the boundaries of a town are not entirely
35 within the boundaries of the new county to be created, the residents of such
36 town located within the territory which is to be part of the new county shall
37 be entitled to elect a county representative to sit on the board of
38 supervisors. Such representative shall be elected at the same time as the ref-
39 erendum on the creation of a new county and such election shall be given ef-
40 fect only if the referendum shall be approved. The county representative shall
41 have voting power on the board of supervisors according to the population of
42 the area represented.

43 3. Other county officers. All other county officers required to be elected
44 under the county law shall be elected at the same general election as the ref-
45 erendum on the creation of a new county. Such election shall become effective
46 only if the referendum to create the county be approved.

47 § 18. Effective date of creation. When a new county is created pursuant to
48 this article, the same shall become effective for the purposes of exercise of
49 governmental functions on the first day of January next succeeding the general
50 election at which the referendum creating a new county has been approved. The
51 terms of all county officers for the new county shall also begin on the first
52 day of January. To prevent an interregnum, the powers of the county officers
53 in the existing county shall continue in full force in the newly created
54 county until the first day of January. Nothing contained herein, shall prevent
55 the board of supervisors of the new county from accomplishing the organization

1 of the government of the new county between the time the referendum is ap-
2 proved and the first day of January next succeeding its approval.

3 § 19. County law applicable. The provisions of the general county law shall
4 govern the operation of the new county until such time as the residents of
5 such county shall legally choose an alternative form of governmental
6 organization. All other general laws with respect to counties shall also be
7 applicable.

8 § 20. Division of personal property, real property, indebtedness and
9 records. 1. The legislative bodies of the newly created and existing county
10 are authorized to agree if they can as to the division of the following assets
11 and liabilities as follows:

12 a. Real property. The value of all real property shall be determined and
13 such value shall be apportioned between the existing and newly created county
14 according to the relative average tax levies for general county purposes in
15 the respective group of towns comprising each county for the ten year period
16 preceding the creation of the new county. Real property shall vest in and
17 belong to the county in which it is located.

18 b. Personal property. All personal property including all unpaid arrears of
19 taxes, shall be apportioned between the newly created, and existing counties
20 according to the relative assessed valuation of the real property, excluding
21 real property in each respective county.

22 c. Indebtedness. The proportion of liabilities which shall be assumed by the
23 new county shall be determined according to the relative assessed valuation of
24 the real property excluding the exempt property, in each respective county.

25 d. Records. Custody of records shall be determined as to which county's
26 property, affairs or government are directly affected. Despite any agreement
27 with regard to the custody of records, each county shall have free access to
28 the records in custody of the other.

29 2. If the legislative bodies of the two counties are unable to agree within
30 six months after the effective date of the creation of the new county upon any
31 or all of the items in subdivision one of this section, the supreme court of
32 the state of New York shall have the power to determine such division and such
33 proportion and to enforce such award, division apportionment and determination
34 as shall be made in the premises in a suit in equity to be brought by and in
35 the name of either of said parties not less than six months nor more than one
36 year after the taking effect of this article.

37 § 21. Joint owned property and facilities. Notwithstanding any provisions of
38 law to the contrary, after the creation of a new county under this article,
39 nothing shall prevent an agreement between the new county and the existing
40 county to continue to own certain real property and operate facilities
41 jointly.

42 § 22. Lease of property and facilities. Nothing herein shall prevent an
43 agreement between the new county and existing county to lease property or
44 facilities from each other.

45 § 23. Severability. If any clause, sentence, paragraph, section or part of
46 this article shall be adjudged by any court of competent jurisdiction to be
47 invalid, such judgment shall not affect, impair or invalidate the remainder
48 thereof, but shall be confined in its operation to the clause, sentence, para-
49 graph, section or part thereof directly involved in the controversy in which
50 such judgment shall have been rendered.

51 § 24. Applicability. The provisions of this article shall apply to all coun-
52 ties hereafter created.

53 § 3. This act shall take effect immediately.

